

**“Illegal Aliens” and the Inconspicuous Geographies of US Immigration and Border
Policing within 100 Miles of the US-Canada Border**

by

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A thesis submitted in partial fulfillment
of the requirements for the degree of

Master of Arts

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Abstract

Legal provisions in the US have extended the idea of the border to the inside of US territory. Border Patrol Agents confront people in different spaces to inquire about their status. I examine border policing along the northern border of the United States through textual and discourse analysis. This thesis asks: How do border agents exercise power and control the movement of people within 100 miles of the border? In whose interest is the border, the “nation,” secured? The spaces in which these mobile borders are practiced become the sites where “citizens” and “aliens” are produced, reproduced and contested. These border policing practices create the illusion of a “nation” that is secured for “our” interests. However, the interests of these vulnerable groups are not reflected in the immigration policy and along the “border. Therefore the very existence of immigrants and their basic right *to be in the* US is undermined.

Keywords: Political geography; US-Canada Border; border patrol; “aliens;” border policing

Acknowledgments

The labour and support that went into making this thesis is immeasurable, and it would not have been possible without the support of Brock University, the Faculty of Graduate Studies, the Graduate Student's Association at Brock University, and without the help and support of the following people.

I was very lucky to have Dragos Simandan as my MA supervisor. He has provided written feedback (within two days) on whatever I put forward—regardless of the length. He was always available when I needed his advice and guidance. We regularly met; Dragos listened my ideas and pointed me in the right direction. I learned an incredible amount scholarly knowledge from Dragos. But, I also learned to be practical—“catching several birds with one stone.” Thank you, Dragos(ş).

I am grateful and (lucky) that Ebru Üstündağ was involved with my thesis. I learned a great deal from her—both in her class and outside the class. We had our theoretical differences, but I always paid close attention to her ideas and critiques, which I have no doubt, they made my thesis stronger. For that (and all other things), teşekkürler.

Phillip Gordon Mackintosh, thank you. I am not sure what I would have done without Phil's support during my interesting meeting with the ethics board. Your class and our conversations helped me a great deal, and I am thankful for that.

I was also lucky to take classes and learn about qualitative research methods from David Butz, and learn about minority histories in the US from Murray Wickett, thank you both. And I thank everyone in the Brock Geography Department. Chris, Marilyn, Tony, Jeff, Catherine and Mike.

I need to thank to my graduate student colleagues for being with me at different stages of this work. My comrades and friends, Ian, Jesse, Tom, Heather, Pius and Sara, Raf-Raf, Natalie, Rich, Victoria, Paul and everyone else, cheers.

I must also thank four other scholars (and friends) who influenced my ideas and helped me get through my MA. Thank you Joaquin Villanueva, for introducing me to (political) geography and opening your house to me during my field research. Bob Ross, as Gale once said, I am so lucky to know such an amazing person like you. Bob (Dr. Ross) has been there when I was lost and/or whenever I needed help—for that and everything else you did for me, thank you. Joseph Nevins, thank you for agreeing to take part in my defense. I have learned so much from your writing and research and they are widely applied in my thesis. And Don Mitchell, I benefited so much from your work and our conversations. I think (and hope) that I made good use of your “sinful” ideas.

It was not only academic knowledge that created this work. I am ever grateful to Virginia for helping me with my schedule (and many other things) so that I could spend time with Zeynep; to Loris, for creating an amazing map for me and sharing your “almonds”; to Dimitri (my “komşu” and my Bulgarian brother), for helping me whenever I struggled with technology; to Mary (from our sister/brother Union) for trying to create a safe and clean grad office for us even though it was the graduate students’ responsibility. You helped me (and every graduate student in the grad-office) succeed, and for that, thank you; to Barb (the most important and amazing GSA person), for listening to me whenever I am frustrated with work or life.

And to my family; Aileme; the people who made me. Anama, babama ve canim kardeşim Vadi’ye, ve fiziki olarak yanımda olmasalarda her zaman benim yanımda olan ve bende çok büyük emeği geçen Nejmiye anneme, Cemal dedeme ve babanneme: sizlerin desteği ve sevgisi olmadan bu tez mümkün olmazdı. Benim tezimin içeriğini bilmesenizde, şunu bilinki bu tezin her bir cümlesi sizden aldığım ve öğrendiğim değerler ile dolu.

The most important recognition has to be for Gale, Zeynep and Sarikiz. After a long day of reading, writing, teaching (and all the cynicism in life) it was always amazing to be welcomed by your endless love and slimy licks—Sarikiz, you are an amazing dog. Well, I was not sure what Gale meant when she wrote this in her dissertation, “Mert, thank you for keeping me honest.” Now, I know. Gale’cim thank you for keeping me honest (and straight) and for your endless encouragement. You listened, read, commented on and lived with everything I have written, without your insight and your love, this work would not be possible. And Zeynep’cim, bir cok defa senden uzak kaldim, ama sen her zaman benim yanımda olup sonuna kadar bana destek verdin, and that is why, seni çok seviyorum.

M. C.

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List of Acronyms:

DHS	<i>Department of Homeland Security</i>
CBP	<i>Customs and Border Enforcement</i>
USBP	<i>U.S. Border Patrol</i>
BPA	<i>Border Patrol Agent</i>
ICE	<i>Immigration and Customs Enforcement</i>
TSA	<i>Transportation Security Administration</i>
INS	<i>Immigration and Naturalization Service</i>
INA	<i>Immigration and Nationality Act</i>
CIH	<i>The Commission of Immigration and Housing</i>
NBPC	<i>National Border Patrol Council</i>
CRS	<i>Congressional Research Services</i>
ACLU	<i>American Civil Liberties Union</i>
FFF	<i>Freedom For Families</i>
PRC	<i>Pew Research Center</i>
TRAC	<i>Transactional Records Access Clearinghouse</i>

Chapter 1 – Introduction

In 2004, a private high-speed ferry service was initiated between Toronto, ON and Rochester, NY, and this service created the need for Border Patrol and Border Patrol Agents (BPAs) in Rochester, NY. The purpose of the BPAs was to act as a border control for ferry service passengers. Previous to the establishment of BPAs, the border in Lake Ontario had existed on maps and in minds, but had not *appeared* physically or materially to the people in Rochester. The imagined borderline in Lake Ontario between the US and Canada was, thus, materialized as a result of the ferry service, through which the border and border agents entered into everyday life on the northern border. Within a couple of months, the ferry service went bankrupt and was discontinued. Interestingly, the number of Border Patrol Agents (BPAs) at the station has, nevertheless increased. This increase occurred despite the ferry service's discontinuation. The BPAs in Rochester patrol(ed) borders between points of entry and 100 miles inside of the international border.¹ This border policing represents an internal extension of the idea of border and border control; some of the rules and regulations at existing ports of entry now are applied within 100 miles of the borderline. This legal shift also provides authority for low-level immigration officials to detain and force out those believed to be unauthorized to *be* in the US. In other words, the right of individuals to apply for juridical review has been eliminated for those "aliens."

With no port of entry or material or imagined border to protect, the Rochester BPAs have shifted their attention to non-traditional locations. BPAs have entered Amtrak

¹ While I was conducting my research, on October 27 2011, Border Patrol Headquarters had issued a memo that halted border agent's internal "checks" on the northern border (NBPC 2011).

trains and Greyhound buses and they even moved into “parks, downtown, shopping malls and other public spaces” to challenge people to declare their citizenship status (Jensen 2009: 2). In other words, these practices have slowly expanded along the northern United States. In spite of the BPAs involvement in the everyday public and private spaces, these questionable practices have not attracted much attention in public life, media or thus far in academia (see Coleman 2007). My preliminary observations, having lived and participated in the everyday life of Syracuse, NY between 2003 and 2009, suggest that these border policing practices have gone unnoticed and unremarked considering the increased visibility and the number of border patrol agents in unconventional places.

During the Cold War, borders, both in theory and practice were understood as concrete and immobile port-of-entry locations and rigid lines that separated nation-states (and the people residing there). However, in the late 1990s, scholars argued that borders were not simply fixed lines; they questioned the static lines produced in previous scholarship, and argued that borders are “the sum of social, cultural and political [and economic] processes” (Johnson and Jones 2011:61). According to Johnson and Jones, Etienne Balibar’s notion that “borders are everywhere” (Balibar 1998, quoted in Johnson and Jones 2011:61) suggests that “the traditional sovereign state’s *loci* of the borders and bordering practices can no longer be isolated to the lines of a political map of states.” In relation I confer that borders are (and were) everywhere but add that for some people they are more concrete and material. These theoretical changes in academic circles have been paralleled by changes at physical borders around the world. The concrete and permanent lines of national boundaries—borders—are now mobile. In the United States, the expanding legal provisions reify borders and declare anywhere within 100 miles of

the border as a port of entry. As Mountz asserts, “the border increasingly crops up in unlikely places—the laundromat, the grocery store, the bus station—places not traditionally conceived of as the border, but where the US Border Patrol operates nonetheless” (Mountz 2011: 65). These border policing practices aim to “secure” the nation, borders and the “citizens” by detaining and removing those who are recognized as non-citizens, “illegal aliens” (and “terrorists”). Hence, my research focuses on the history of those recognized as “aliens” in the US.

During the semester of fall 2009 at Syracuse University, in one of my classes we discussed “illegal” immigration and border security. My colleagues immediately began to talk about threats from the southern border. There was no attention given to the northern border. The negative image of the southern border is the result of the historical (and social) construction of the US-Mexico boundary as the source of unauthorized immigrants (Nevins 2010; Sánchez 1993). In contrast to the south, the US-Canada border historically has not attracted much attention. The previous and more positive (and friendly) perceptions of the US-Canada border do not seem to match current practices of the BPAs. Yet, the “aliens” and the alienation of those recognized as non-citizens continue to be the norm within 100 miles of US-Canada border. Although “‘illegal’ flows, including the smuggling of drugs, cigarettes, migrants [i.e. “aliens”], and arms” persist at the US-Canada border, unlike the southern border, they have been overshadowed by increasing legal commercial flows in the post NAFTA era (Andreas 2005: 451). Similar legal flows also occurred at the US-Mexico border in the post NAFTA era (Nevins 2010: 8-9); however, the parallel increase in legal economic

activities at the southern border did not change the US government perspective on the US-Mexico border as the place where most of the “illegal” activity takes place.

Stephen Flynn (2004, also quoted in Andreas 2005) explains that before the September 11th attacks, half of the northern border’s ports of entry (that is 126) were left unguarded, or orange cones were put to work to protect the nation’s borders. For the potential border crosser, the orange cones meant that the crossing was closed. By contrast to the northern border, even by the late 1990s, the number of border patrol agents in Brownsville, TX alone was more than the number for the entire US-Canada border. To show the disparity between the southern and northern border, Andreas points out that “[b]y 2001, there were only 334 US agents assigned to police the 4,000 mile-long northern border compared to 9,000 agents on the 2,000-mile-long US-Mexico border” (2005:452). Despite similar legal and illegal socio-economic activities on both sides of the US border, the “positive” image of the northern border and the differences in the number of agents suggest that the racial imperative of gatekeeping has kept focus on the south and that might be one of the reasons why students in our class discussion on “illegal” migrants primarily focused on the (darker) US-Mexico border. Although border security and build-up had begun (such as Operation Wetback, Gatekeeper) long before September 11th (Nevins 2010), the attacks provided further justification and a rhetorical cover for “securing the nation’s borders.” After the attacks, it became clear that the US-Canada border would be viewed, at least for a while, as no “different” from the south—suggesting that the racial imperative of gatekeeping has expanded to include other

interests.² In addition, with the expansion of border policing operations, one also observes a strong relationship between these policies and job security for border patrol agents. The low number of unauthorized entries at the US-Canada border could explain the lack of attention to the north, but then, why has the US government increased border enforcement along the northern border? Furthermore, in light of those increases, why have these border enforcements attracted little public and media attention? There are numerical differences between the US-Canada and US-Mexico borders in terms of unauthorized entries. These numerical differences might be useful for statistics; however, the reasoning that is based on numbers alone will be reductive and says nothing about the historical, social and economic relationships. In effect, it ignores the history of making “illegal aliens” in the US.

The histories and geographies of borders cannot be separated from the histories and geographies of those who are made into “aliens.” The US State and its institutions, the media, non-governmental organizations (and people) produce and reproduce citizen, and non-citizen (“alien”). When compared to the south of the border, the northern US border, given these increased security measures and the presence of Border Patrol Agents in unlikely places remains largely invisible over much of its distance. In this thesis I explore this state space with critical geographical thought. Second and related, I contribute to the growth of geographical knowledge on the northern border. Finally, through this research I make these border policing practices more visible. To be able to accomplish these objectives, I investigate social and spatial changes in immigration and border policing practices by examining the history of the US immigration and border

² At least until October 27 2011, when Border Patrol Headquarters halted border agents “checks” on the northern border (NBPC 2011).

enforcement. I ask and explore the following questions: How do the BPAs exercise power, distinguish citizen from non-citizen, and secure the “nation?” Over which spaces do BPAs exercise power? What is the role of “race,” class, (and/or whiteness) in the exercise of power? And, in whose interest is the nation secured? To sum up, in this thesis, I will examine how BPAs exercise power, control spaces, and manage the movement of people—citizen, non-citizen and “alien”—within 100 miles of the international border.

This research is framed by political geography where social, spatial, economic and political power dynamics shape, and are shaped by people and spaces (cf. Delaney 2009). As a political and geographic project, my thesis is also shaped by these power dynamics. In chapter two, I discuss my methodology, and my methodological challenges. In other words, I describe my research methods, challenges and experiences, and my positionality in an attempt to *situate* this thesis and myself. In chapter three, I focus on key geographical concepts such as border and territory, territoriality, citizenship and the state, and security and surveillance. The study of these concepts provides me with critical lenses that are useful for the examination of the border policing practices. On the next chapter, I explore the historical production of “aliens” in relation to “race” (racialization) and whiteness in the US. I closely examine the history of “aliens,” and those who are alienated in order to argue that these constructs shaped both past and present immigration policy and border control in the US. One of the border enforcement programs put to work by US State was Operation Gatekeeper. This was not only a government policy or boundary build-up, but, as Nevins puts it (2010), it was also a manifestation of decades of economic, social and political relations and struggles that made and remade individuals and the border. In Chapter five, I briefly examine the border patrol as an institution and

narrow my focus to the border policing on the northern border by closely exploring Rochester, NY and Olympic Peninsula, WA. I explore and provide detailed discussion of these fluid (and unnoticed) border-policing practices that aim to protect and secure “nation’s” borders and its citizens from non-citizen or “aliens.”

Chapter 2 -- Methodology:

2.1 Introduction:

Qualitative research has played a crucial role in geographical thinking and practice; Cope (2010) and Crang and Cook (2007) attest to the notion that an increasing number of human geographers have used and are using qualitative methods. Cope (2010: 25 original emphasis) asserts, “[i]n fact, qualitative research cannot be separated from the history of geography at any point: as long as there have been attempts to ‘write the world’ (*geo-graphy*), there have been qualitative methods of observation, synthesis, analysis and representation.” Hence, this chapter focuses on the qualitative methods that, as a geographer, I have employed or chosen not to employ in this thesis. The principal aim of this research is to investigate contemporary bordering practices inside the territory of the United States—particularly on the northern border. In order to do achieve this goal, I engaged in qualitative research methods that include textual and discourse analysis and participant observation. This research is the product of my theoretical and political commitments, which themselves are the product of social relations that have been negotiated and shaped by many factors including (but not limited to) my committee members, texts, documents and the institutions I encountered.

To be able to demonstrate this negotiation process, I first discuss how bureaucracy in academia, Brock’s Research Ethics Board (REB), has limited and shaped this research. My aim here is to reflect on my experiences and some of the difficulties that I have encountered undertaking this thesis. Although my intention is to share my experiences and difficulties with other students and faculty, I make no recommendation, since I have decided not to seek ethics clearance. After commenting on my REB

experience, I move on to a discussion of the qualitative methods that I employed for this research. These qualitative methods are also helpful for providing me with perspectives that are useful for the examination of contemporary border practices in the US. The discussion of qualitative methods is accompanied by my own positionality and subjectivity. The Dictionary of Human Geography explains, methodology includes “the principles and assumptions underlying the choice of techniques for constructing and analyzing data” (Gregory et al. 2009: 457). Thus, the discussion and the triangulation of my research experience, qualitative methods and my positionality are crucial for understanding the methodology behind this thesis.

2.2 Ethics: Qualitative Research Failed?

Since the 1990s an increasing number of human geographers have been training in qualitative research methods and have applied qualitative methods in research that involves human participants. This increase in the application of qualitative methods has also increased the interchange between researchers and Research Ethics Boards (REB) or Institutional Review Boards (IRBs) (Butz 2008).³ In terms of research that involves human subjects, there is a long history of abuse and neglect (Evans-Pritchard [1940] 1969, Pratt 1986, Rosaldo 1986, Clifford 1988, Price 2012a).⁴ While scholars have been searching for ways to address problems with research that includes human subjects, academic institutions, such as REBs, exist to aid researchers and provide some protection

³ IRB is used in the US, and REB is used in Canada.

⁴ For example, the term “research” has a close historical relationship to European colonialism and imperialism in that “The word [research] itself is probably one of the dirtiest words in the indigenous world’s vocabulary...it is implicated in the worst excesses of colonialism, *with the ways in which*, knowledge about the indigenous peoples was collected, classified and then represented back to the West” (Linda Tuhiwai Smith 1999: 1, quoted in Denzin and Lincoln 2005: 1, emphasis by Denzin and Lincoln).

for both the participants and the researcher. However, the interchange between researcher and REB is not always a pleasant encounter. There have been ongoing problems between REBs and researchers and scholars have made an effort to identify some of these problems. Some geographers stress the inadequacy of the official frame on which REBs rely such as Canada's Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans, or in the US 45 CFR 46 (Butz 2008, Shea 2000, Martin and Inwood 2012, Price 2012a, 2012b, Trudeau 2012). Some geographers share their experiences more frankly (Cohen 2007, Epstein 2007, also see Shea 2000) and others avoid research with human subjects due to "fear [of] the powers of their IRBs to limit future research trajectories, or to make the tenure process difficult" (Martin and Inwood 2012: 14 fn:1). In my case, I share both my experiences and my fears—a timely completion of my thesis and my program—to stimulate the discussion around the qualitative research and REB.

Originally, I intended my research to focus on individuals, or more specifically, students or residents in Rochester and Syracuse, NY who experienced contemporary bordering practices and/or border policing with Border Agents in Rochester, NY. My preliminary investigation and exchange of ideas with some of my faculty members showed that access to these groups might be difficult due to issues around accessibility, privacy and security for those who will take part in my research. Despite these concerns, through communicating with some of my friends in Rochester and Syracuse, NY, I learned that I could access and interview some of the people who had experienced border policing. Moreover, some Syracuse alumni who worked with border agents in Rochester provided me with contact information for border patrol agents as well. However, my excitement was short lived. Although, I had a chance to find and interview willing

participants (and perhaps BPAs)⁵, I encountered an institutional and bureaucratic setback with Brock University Research Ethics Board (REB).

I was new to REB process and some graduate students and faculty at Brock suggested that the Brock REB had a reputation for being arduous and demanding.⁶ Thus to prepare myself, I sought assistance from people who had experience with REBs, such as faculty and graduate students in my program along with graduate students at other universities. I gathered two approved applications from graduate students in my program and one from a Ph. D. student at York University in Canada whose research focus involved borders and border crossing between Canada and the US. After a couple of weeks of reading, writing and re-writing, I managed to come up with the first draft of my REB application. I forwarded this draft to my supervisor and one other person at the REB for feedback. Based on their feedback, I revised my application and then on May 6, 2011, I submitted my application for review. On May 9, 2011, I received an e-mail stating that my application had been submitted for “Expedited review.” However, the expediting did not happen. On June 1, 2011, I received an e-mail stating, “The reviewers have recommended that [my] proposal be submitted for a full review” and my “proposal will be reviewed by the entire Research Ethics Board at the next meeting on Monday June 20, 2011.

⁵ The interview with the border agents might not have been useful because there is always the possibility that during an interview, border agents might provide answers from their website or from their strategic plans.

⁶ As Vice President of Internal Affairs for the Graduate Students’ Association at Brock University, some graduate students shared their stories with me during informal meetings.

May 6, 2011	Submitted our application to Brock REB
May 9, 2011	Received acknowledgment e-mail for “expedited review”
June 1, 2011	Received notice that my application was submitted for a full review and full board meeting scheduled on June 20, 2011
June 13, 2011	Received an e-mail for clarification and notes for full board review
June 20, 2011	Dr. Mackintosh and I attended a full board review
June 21, 2011	Re-submitted revised version
June 29, 2011	Received an e-mail for (similar) clarification and notes, and notice for second full board review scheduled on July 7, 2011
July 6, 2011	Decided to withdraw my application for REB clearance.

Figure 1: Timeline for my REB application

Consequently, on June 13, 2011, I received an e-mail stating that the REB “finds that [my] proposal requires clarification or revision.” The REB had several significant concerns regarding participants in my research—in terms of what would happen to participants and researchers during and after the research.⁷ Some of the clarification requested included whether I might need REB clearance from other Universities, whether I intended to recruit minors, and whether risks might be present for participating individuals and for border patrol agents⁸ and so on. I responded respectfully and professionally to the REB demands with the assumption that they were merely trying to improve and protect my research, the potential participants and me.

While such concerns are understandable, there were others that made little or no sense. In fact, one member at the REB seems to have been unhappy with the content of my critique that aimed to question Rochester BPAs bordering practices. I had pointed out that when the ferry service went bankrupt and left Rochester with no port of entry or material and imagined border to protect, BPAs shifted their attention to non-traditional locations. One of the reviewers expressed his/her concern by questioning how I could

⁷ See Brock REB’s website for their concerns with research involving humans <http://www.brocku.ca/research/ethics-and-research-reviews/human-ethics>.

⁸ For example, what if BPAs get fired for something they say.

make this claim “since the international border is directly north of Rochester, through Lake Ontario!” While this point may be arguable, I question its relevance to consideration of ethics. Another peculiar suggestion was about one of my potential (and important) participants, Mr. Jensen. My application for REB included information about Mr. Jensen who had publicly made statements on the issue of border patrol agents and their policing practices along with a link to his official statements which are available online for the public and for the members of the REB. Yet, one of the reviewers asked me to use a pseudonym for Mr. Jensen, and “as well to mitigate any potential risk involved in participating in [my] study.” I should “[o]therwise provide a fuller description for him about the risks of being identified by name in the study.” Surely this could have been a legitimate concern for Mr. Jensen; however, as I stated before, he had already provided both a written account (that suggests these practices allow racial profiling of international students) to the US immigration court in NY,⁹ and he appeared in newspapers such as the *Chronicle of Higher Education* on January 9, 2011. He expressed his concerns about foreign students being picked up by BPAs, and, he said “It feels a lot like East Germany did when I visited in 1980” (the chronicle.com).¹⁰ He had also publicly spoken against these bordering practices on a National Public Radio (NPR) show “All Things Considered” (npr.org).¹¹ Jensen had actively sought public venues for his criticism of bordering practices, nevertheless, I was asked to use a pseudonym for Mr. Jensen.

⁹ <http://graphics8.nytimes.com/packages/flash/cityroom/CaryJensenDeclaration.pdf> (Last accessed on February 15, 2012).

¹⁰ <http://chronicle.com/article/Far-From-Canada-Aggressive/125880/> (Last accessed on February 15, 2012).

¹¹ <http://www.npr.org/templates/story/story.php?storyId=129888751> (Last accessed on February 15, 2012).

I discussed the REB's suggestions with my supervisor and other departmental faculty familiar with the REB process, and I attended the review meeting with one of my committee members, Dr. Mackintosh. The meeting followed up on suggestions that the REB had made on paper a week before—how to inform participants of the risks, how to protect their privacy and how to protect BPAs if they were to lose their jobs because of something they said during interviews. However, some follow up suggestions seemed not well thought and helpful for improving my application. For example, one REB member asked me what I would do if one of the participants was not comfortable using the English language during the interviews. While I was not sure how to respond, I replied, “if my participant cannot speak English or Turkish then I can not conduct the interview, as I do not have the resources to hire a translator.” At this point, seeing that I was getting frustrated with the situation (and with some other disconcerting questions as I discussed above),¹² Dr. Mackintosh intervened and explained that since the researcher will provide both information and consent forms beforehand in English and the prospective participant (him/herself) would freely contact the researcher, the question raised seemed incongruous...if prospective participants could not read or speak English, then they most likely cannot communicate and would not contact the researcher and participate in the research.

I had already begun making changes before our meeting to address some of the issues. After the meeting, I again cooperated with the board by addressing some of their

¹² For example, the REB asked “How do I transfer data between the US and Canada? What if the BPAs confiscated my recorder, laptop, etc. The REB recommended I should employ online database space and upload information immediately. When I suggested online security concerns for a moment it appeared that they understood that there are always risks. The REB members seemed to like my other idea where I suggested that I would upload the data into a CD that reads Bob Dylan!

extended concerns, found ways to revise others, and I resubmitted my application. On June 29, 2011, I received an e-mail suggesting that my application required further revisions. The suggestions mainly repeated earlier concerns even though I had addressed those concerns during our meeting with the board and later in my resubmission. This time there were other additions. For example, they asked me if I could provide or refer Brock REB “to any published research in this area or any experts in this field who might be consulted.” After two months of struggle during which my attempts to address the board’s questions failed to satisfy them, and rather, additional questions were added, my supervisor and I decided to pull my application back due to our concerns with a timely completion of my studies. While the REBs goal to provide feedback that aims to prevent past abuse and extend protections to participants is an invaluable one, the Brock REBs actions, at the same time, may be encouraging researches to avoid qualitative research designs or research that involves human subjects altogether. Fortunately, I took Crang and Cook’s (2007) advice, and from the beginning I planned back up research methods in case the others failed, and this back up kept me going in my research with minor adjustments.

“As a pragmatist at heart and IRB chair in practice” (2012b: 35) Price suggests that REBs/IRBs were nonentities that turned into “grim reapers.” In previous years scholars have shared their negative experiences with the REB or IRBs to demonstrate the problems of academic research that attempts to include human subjects in a highly corporatized university environment (Cohen 2007, Epstein 2007). Price (2012b) acknowledges problems with RIBs, such the corporatization of universities and their risk management efforts that work to decrease possible law suits, as well as protecting human

research subjects and the researcher. Yet, she also takes a different perspective by arguing, “there is no such a thing as IRB per se” like other abstract entities, such as states. Price (2012b: 34) writes “for all their focus on human subjects, IRBs themselves are pervasively dehumanized in the discourse.” While some of these points might be valid, they fail to recognize the uneven power relations between REB and the researcher. I do not want to make a generalization and suggest that all REBs are negative. However, like states, the actions and decisions taken by REBs: a) discourage students and researchers from designing research that includes people, and b) have material consequences that render them very much *real* and thus REBs turn themselves into “grim reapers.” These consequences define my interaction with an REB. Despite the fact that some of the REB requests were reasonable and helpful, they were also “real” and made it difficult if not impossible to co-operate in producing a substantive, ethical and efficacious qualitative research design that includes human subjects.

For example, Brock REB members were not shy about using their *real* institutional power to criticize my work, instead of focusing on ethical concerns with my research and possible subjects. As I pointed out, one REB member questioned my representation of the border between the US and Canada by insisting that it is “right directly north of Rochester, though lake Erie.” This point might be arguable, but not in the context of an REB. These positions change with theoretical and political commitments and/or social positions. However, when an ethics committee member presses his/her theoretical and political point of view on a graduate student’s ethics application as an issue in their ethics board clarification, there is an *ethical* problem—and a power game. REB members should not only focus on the power dynamics between the

researcher and the participants, but also be vigilant about the power dynamic between researchers and the REB. REB members should not try to pressure researcher's theoretical and political commitments in ethics applications. Instead they can use their non-existing entity powers (Price 2012b) to minister ethics applications and help faculty and students improve their applications in a timely manner, so that qualitative research methodology is not a scary "thing" but an important and useful tool.

In my case, in a five term program I could not possibly continue to seek approval, find experts that could be consulted, and answer the same odd questions of the Brock REB. After my interactions I became convinced that the Brock REB would not approve my project no matter how hard I tried to meet their requests. As much as I believe that ours is an ethical profession, it is difficult not to feel unjust play in my instance.¹³ The examples of these unjust and unproductive processes have serious ethical and material consequences that might results in timely research not being conducted as a result of REB review. That is why, after two months of struggle, we decided to withdraw my application and continue with alternative methods in which no human subject would be necessary. It is not the researcher that creates fictional characters for the REB. On the contrary, the REB and the REB members' actions help produce these negative images by blocking qualitative research projects through bureaucracy. But more importantly, these unproductive (and arguably unjust) practices severely damage both the use and the application of qualitative research that can be helpful for expanding and sharing scholarly knowledge.

¹³ Or, they were afraid of any complications that might occur between the US government and Brock University. As much as participants' interest, Brock REB also needs to protect the interests of the university.

2.3 Locating researcher and research:

As I demonstrate in the next chapter, the topics of borders, territory, citizenship, security and surveillance are not only contested in everyday life but also in political geography. Mountz suggests that for political geographers “there is [a] work to be done to understand with precision where and how borders are moving, and how this movement can be conceived of as political” (2011: 5). Following Mountz suggestion, the focus of this thesis is on the contemporary bordering practices on the northern border of the US. The questions that this thesis asks include the following: How and where do BPAs exercise power and police borders? Whom do BPAs target? In whose interest is the border secured? This research will provide not only original data for the field of political geography, but it will also make these contemporary bordering practices visible and so contribute to the theorization of these contested concepts.

In order to search for possible answers to these questions, discourse and textual analysis is the main method employed in this thesis. BPAs activities are discursive practices, hence my methodological approach include a) examination of raw materials (border policing practices), and b) careful delineation of the discursive practices enacted by the BPAs. For the first part, I examined government sources, media and news outlets, and several non-governmental organizations and their reports and memos that are connected to my research theme. I searched government websites, documents and reports for border control, immigration, and national security. Some of these government sources include, but are not limited to, the Department of Homeland Security, the US Customs and Border Control, the Library of Congress, and US Congressional Research Services’ Reports. In addition to government sources, I researched some of the main online news

and media outlets (along with local ones), including but not limited to the New York Times, National Public Radio, CNN, Fox News, and local Rochester and Buffalo newspapers, with a focus on contemporary bordering practices and the border patrol. The newspapers I used were not chosen for their particular ideological position *per se*, instead my attention was on particular themes such as border patrol, mobile borders and related key words in the main-stream media. My aim was to look at how the state and media produce images for, and of, the state, citizens and borders. In addition to the above resources, I also identified and examined non-governmental organizations (NGOs) such as the Transactional Records Access Clearinghouse (TRAC), American Civil Liberties Union (ACLU), Pew Research Center (PRC), Families For Freedom (FFF) and Applied Research Center (ARC) for reports and memos related to my research—and I updated my data until the final moments of this project.

Wilson (2009) explains that texts help us build and understand social and material realities. In this light, each of the sources that I examine has its own ideas to put forward and communicate so that each one promotes and creates particular social and material realities. Therefore, the policies and positions that are produced by these sources from government, media, NGOs and academia, are not neutral. They actively (but unevenly) shape, and are shaped by the social and the spatial (Wilson 2009). The main purpose of bringing different sources into play (such as government, media and NGOs) is to be able to study whose social and material realities are promoted and created and for whom. The systematic investigation of related government websites, documents and newspaper articles helps me understand not only current discourses around the border, but it also allows me, as a researcher, to critically investigate and question how “knowledge is

formulated and validated by society as truth” (Dittmer 2010:275). Discourse analysis helps me identify inconsistencies and contradictions in current border practices by questioning some of these truth claims (Berg 2009).

Consequently, I examine relevant academic literature on border, citizenship, territory, state, and security and surveillance. In addition, I explore historical texts that discuss and offer critical perspectives on “race,” whiteness, class. I contrast different historical accounts and experiences to understand how one becomes “aliens” or alienated from social, political and economic life. For example, I draw on black and Irish experiences, Malcom X’s and MacDonald’s, to demonstrate the complex relationship between “race” and class. The contrasting “race” and class helps me scratch the surface of the idea of whiteness. My aim is demonstrate and emphasize the relationship between historical and the contemporary. The examination of some of the scholarly literature assists me with the examination of the data collected above. One of the challenges for my research in regards to academic texts has been that, as I mentioned before, most of the focus in academia (or in media) is on the US-Mexico border (Andreas 2005, Nevins 2002, 2010). Therefore my reading background includes border literature that is not limited to the US-Canada border. This broad focus assisted me in determining how other scholars have approached and examined borders and bordering practices, as well as refining my understanding of legal and prevalent geographic perceptions of the border. Accordingly, chapter three critically examines relevant literature both in and outside the field of geography. Since all of these concepts overlap, the examination of these concepts allows me to better explicate discursive practices around the US-Canada border, and it helps me find possible answers to the questions of where and how borders and bordering

practices are moving, in whose interest are these contemporary bordering practices implemented, and from whom is the border secured? I address these questions in chapters four and five.

Finally, my last method involves participant observation. I lived in Syracuse, NY between 2003 and 2010. During the Fall Semester of 2010, I travelled between St. Catharines, ON, and Syracuse, NY on a weekly basis (approximately sixteen weeks)—almost exclusively by car and three times by train.¹⁴ After the Fall of 2010, I took up residence in Canada, and I regularly crossed the border, most often by car and train, between Canada and the US for research and personal reasons. Since I initiated my research, I have traveled by car between St. Catharines and Syracuse three times, St. Catharines and Buffalo four times, St. Catharines, ON and Rochester, NY two times. I also traveled between Buffalo and Syracuse, and Buffalo and New York City by train.¹⁵ These visits involved daily trips and sometimes long-term stays, and I continued my observations all the way to early March 2012. My aim in using participant observation is to be able to witness how BPAs exert power. As Watson and Till (2010: 122, emphasis added) explain,

“[a]lthough ethnographies draw upon myriad of source materials, including formal interviews, material culture, performances, images, and texts, we focus on *observation, reflection and learning*—including recording, analyzing and representing qualitative data—because participant-observation is perhaps the defining method that distinguishes ethnography from other qualitative research designs.”

¹⁴ One of these trips took place in 2010 but before my research project started.

¹⁵ The route includes Buffalo, Rochester, Syracuse, Rome, Utica, Amsterdam,...New York, NY (Empire Service 2011).

While traveling back and forth, I participated, observed, and gathered information about the US State and its border patrol agents. While I was travelling, I took notes, took pictures and made videos of the spaces that I have been to so that I would be able to describe and reflect on my observations and experiences later on. In addition, my participation in the everyday geographies of the border helped me to catch a glimpse of how BPAs exercise power in these spaces. The triangulation of academic investigation, government and media resources, and participant observation provides a strong background for this thesis.

While I attempt to highlight overlooked histories, policies and practices, I must also *situate* myself in this research. This self-reflexive account will help readers to be able to understand how I, as a researcher, have a partial understanding of the world around me. Following Harraway (1988), geographers have pointed out the importance of self-reflexivity in geographical research (Katz 1992, Rose 1997, Crang and Cook 2007, Kobayashi 2009, DeLyser et al. 2010). Some of my experiences position me as an insider while others place me outside of my research area. My interest in the border, the state, space, and power has not been solely theoretical; I have an embodied relationship to human geography. A key example will illustrate what I mean here: On July 29, 2003 my partner and I were flying from Istanbul to New York. My partner held a U.S. passport, and I had a Turkish passport along with my new status as a permanent resident alien—A# 200-155-214. On our journey to the U.S., we had a six-hour long stopover in Frankfurt, Germany. My partner and I naively planned to leave the airport and go to a café or restaurant close by. When we got to border control, my “American” partner found that she could easily cross into the “territory” of Germany, while I, of course, could not; we

had failed to understand the very complex relationship between borders, territoriality and national identities in Germany. I was marked as an unwanted stranger or *foreigner*, because I was recognized as *Turkish* in Germany in the context of a historical relationship between Germany and Turkey that developed after the initiation of the “*gastarbieter*” program of the 1960s through which the existence of Turks became similar to that of African Americans in the US or Kurds in Turkey. These historical relationships ensured that my *Turkishness* at the airport in Germany would be viewed officially as a *threat* to the nation-state. This experience gave birth to a curiosity that led me to explore the geopolitics of borders and migrants.

Although most of my subsequent experiences in the US were unremarkable, I have also had a number of difficult experiences during which I was subject (most often verbally and a few times physically) to harassment, seemingly due to not being perceived as part of the social imaginary of the US state. These experiences ranged from not being recognized as a reliable person due to my accent to being recognized as the responsible person for otherwise unexplainable federal violations at the Syracuse airport. These experiences also included jokes from co-workers and others about how I ever managed to pass the FBI background check (to my knowledge I passed it at least three times), and they included several instances of being called a “terrorist” due to my (so-called) lack of patriotism in not supporting wars around the globe. These experiences have heightened my sensitivity to the pressures that those perceived as outsiders of the US state may experience in daily life.

Since my US naturalization ceremony in 2007, I carry additional papers that have again redefined my geopolitical status, as I became a U.S. citizen and so, ostensibly, a

North American insider. One would assume that most of the above problems would disappear, and at least on paper (and as long as I do not speak) I am no longer likely to be perceived as a stranger. With my US passport in hand, the imaginary borders of nation-states have become less concerned with my movements across “their” territories. Consequently, my previous permanent resident alien status (“legal alien”) and my subsequent naturalization, my “white” skin, and my male gender, have all provided me with certain privileges and the ability to pass unnoticed, and these factors situate me as an insider as well. In other words, while I have experienced some forms of othering, I have not shared the negative experiences of people who have a darker skin colour or who do not otherwise look “white.”

2.4 Conclusion:

The points that I make in this thesis are political and as the above self-reflection suggests, personal. Hence, this paper is not objective, and has no intention or claim to being objective. This thesis is made by the histories that I have experienced and read, and bordering practices that I examined. But, it has also been influenced by my own political beliefs, my experiences and by other individuals. I am not motivated by the desire or intention to save others or “aliens,” to romanticize them, or fix the socio-economic problems in the US. In other words, I am not *speaking for* subjugated people; rather, following Spivak, I attempt to *speak with them* (Spivak 1988). Thus, this research is a *part* of an ongoing resistance against past and current discursive practices that make people “illegal.” If the US can continue to celebrate the history and the “discovery” of America despite the annihilation of Native Americans (and their *homeland*) by Columbus, if the US can call itself a “nation of laws” but fails to recognize its own legal

documents and treaties with Native Americans and, further, justifies the assassination of a US citizen or non-citizen as legal, if the US through the legal and social construction of race has enslaved people and defined who could be a citizen or non-citizen based on skin colour or by their skull size up until the 1950s (Haney-López 2006, Mitchell 2000), if, in the name of “securing borders” and “national security” thousands of migrant deaths can be ignored (Jimenez 2009, CSR 2010: 25), while the assassinations of others are celebrated (Coskan-Johnson 2012, unpublished manuscript), and if the US border agents viciously search buses, train stations, highways, ferry terminals, parks, and downtowns for possible “illegal aliens,” then this thesis resists current law and order and national security discourses that the US State has been employing for a long time. My aim is to highlight neglected histories and unremarked policies and practices at the thresholds of the US borders and/or inside the US territory to make what appears to be invisible and unheard, visible and heard.

Chapter 3 -- Literature Review:

3.1 Citizenship and the State

In reviewing the geographical literature on citizenship and the state, I focus on some of the central themes that are most relevant to my research. I start with a brief overview of the literature, and then in the remaining part of this section, I gradually move into a detailed discussion of these concepts. In the following section, I review the complex and contested idea of citizenship. Here my objective is to better understand how the US State and some mainstream media reify citizen and non-citizen, and then, in contrast, I examine the ways that scholars characterize citizenship. For some of the geographers that I examine below, citizenship is a complex and contested idea. Consequently, any configuration of citizenship requires a critical approach that examines not only the formality of, but also the practices of citizenship—not only genealogy, but also experiences, historical relations and the people-subjects (Staeheli 2010). This literature review will contribute both to political geography and to the examination of the (US) state and the citizenship practices that are occurring inside US territory. Each section will start with a brief review of the terms, and then I will examine the different forms of the state and the practices of citizenship that conflict when put to work both in theory and practice.

3.1.1 Citizenship: Is it a status or a practice?

Citizenship, then, can be described as a form of membership in a particular territory or nation-state. The condition of this membership can be based on place of birth (*jus solis*) or on parental status (*jus sanguini*), which is used to determine membership, or

on religious background. The immigrant who is not a full member can become a full member of the state, a *citizen*, through the naturalization process (Mountz 2009: 288)¹⁶.

These are some of the ways that citizenship status can be achieved.

Chouinard (2009: 107) explains that geographers' interest in citizenship dates back to Strabo and Ptolemy. However, until the 1970s political geographers' interests were limited to national borders, and their spatial analysis was engaged with voting patterns and voting districts (Low 2008: 353). Following the 1970s, radical, feminist and critical geographers began to emphasize the complex nature of the concept. The general argument was that citizenship not only must be examined inside and outside the state, but also that a significant focus must be on how different groups of people or individuals experience the socially and geographically uneven exclusionary practices of citizenship (Chouinard 2009: 107) and rights (Kofman 2005). Feminist geographers like Hyndman (2004), Staeheli (2008, 2010), Cowen and Gilbert (2008), for example, have intervened and challenged a vision of citizenship that is based on a universal contract; they argued that the female body (along with other socially, economically and politically subjugated groups/bodies) had been absent in these previously established patriarchal analyses (Chouinard 2009: 108).

These conceptual changes provided different perspectives from which political geographers could critically examine the characteristics of citizenship, such as "identity, belonging, status, rights, and responsibilities" (Cowen and Gilbert 2008:10). While

¹⁶ Naturalization requirements differ from state to state. However, one is not "*Semel civis semper civis*," once a citizen always a citizen (Black 1995: 1069). People can also be denaturalized. (See Immigration and Naturalization Act (INA act), Title 3, chapter 3, act: 349 loss of nationality by native-born or naturalized citizen (<http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29.html#0-0-0-154> accessed on 11/11/2011)).

citizenship comes with social, political and economic rights (the right to vote or the right to assemble against the government), duties and responsibilities, the definition of citizenship and the production of citizens become contradictory when they are put into practice. These definitions change in time and space with the interest of the dominant groups.¹⁷ However, it is not only the state and its apparatuses that produce citizens. The media, businesses, and the people also contribute to the construction and constitution of citizens and the production of citizenship.¹⁸

One of the significant contributors to the constitution and construction of citizenship is the mainstream media. Noam Chomsky (2001: 24) explains how mainstream media work to construct submissive people through the “manufacture of consent.” He explains that the manufacture of consent creates the necessary conditions for spectators so that people make “right” decisions—as free citizens who have a right to

¹⁷ Here, my intention is not to undermine those social groups who are struggling for basic rights. Instead, I am suggesting that those rights often coincide with the interests of those who hold (or those who want to hold on to) social and economic power. The long struggle of the Gay and Lesbian communities in the US (for basic rights) significantly shaped and contributed to the repeal of US military policy of “don’t ask, don’t tell.” But the repeal also comes at a time when US government is trying to administer two wars at the same time—where soldiers are deployed multiple times. The US government cannot afford to say no or dismiss people who are serving or want to serve the US government. This is the point Vice President Biden made right before signing the bill that ended the “don’t ask, don’t tell” policy. He said that “[t]his fulfills an important campaign promise the President and I made, and many here on this stage made, and many of you have fought for, for a long time, in repealing a policy that actually weakens our national security, diminished our ability to have military readiness, and violates the fundamental American principle of fairness and equality—that exact same set of principles that brave gay men and women will now be able to openly defend around the world.” And later President Obama concluded that “[t]hat is why I say to all Americans, gay or straight, who want nothing more than to defend this country in uniform: Your country needs you, your country wants you, and we will be honored to welcome you into the ranks of the finest military the world has ever known.” (<http://queerrhetoric.com/tag/dont-ask-dont-tell/>, accessed on October 28, 2012).

¹⁸ These other contributors are also closely associated with the state apparatuses.

vote. Thus “we [elites] make sure that their choices and attitudes will be structured in such a way that they will do what we tell them, even if they have a formal way to participate. So we’ll have a real democracy” (2001:24). The question is, then, in whose interest are these images and meanings made and remade by the mainstream media? For Guy Debord (1994 [1967]: 19) the mass media as understood in the limited sense, is not a *neutral* and simple apparatus. In fact, he explains, “it answers precisely to the needs of the spectacle’s internal dynamics.” Debord writes that spectacle’s function is the “concrete manufacture of alienation” (1994: 23) and if the communication between people and the administration is mediated by mass media, which manufactures consent so that people make “right” decisions, then this “communication is essentially *one-way*” (1994: 19, original emphasis). Debord continues “the concentration of the media thus amounts to the monopolization by the administrators of the existing system of the means to pursue their particular form of administration” (ibid). Chomsky captures this one-way relationship in the past: people become “spectators” not participants (2001:22). For example the US President Woodrow Wilson campaigned for presidency and used the slogan “peace without victory.” He was elected for his position against the US’ involvement in the World War I. However, when President Wilson decided to *participate* in the war, he needed the consent of his *spectators*. This is where propaganda or “manufacture of consent” was used to form people’s *choices and attitudes* so that they would make *right* decisions. Within several months a real democracy worked and the US State was in the war (Chomsky 2001: 23).¹⁹ Thus, it is difficult to ignore the mass media

¹⁹ Chomsky discussed two other examples; one being how Hitler saw similar opportunity after the World War I. Second, how businesses discovered the power of the manufacture of consent by successfully persuading women to smoke.

and its role in the construction of citizen and non-citizen in the past because knowing the past will help us better understand present.

Example from present could be Lou Dobbs, formerly of CNN or Glen Beck, formerly of Fox News, (as I will discuss in later chapters). They have defined and constructed citizen and non-citizens (as “illegal aliens”) for people in the US.²⁰ They assist and push particular ideologies so that people, as spectators, make the *right choices*, and create new ways of thinking that normalize these ideologies.²¹ With the assistance of some mass media, the state, its institutions and agents put forward their particular positions and policies that work to define citizen and non-citizen. For example, border patrol agents’ “primary mission is to detect and prevent the entry of terrorists, weapons of mass destruction, and illegal aliens into the country, and to interdict drug smugglers and other criminals *along* the border” (CRS Report 2010). Therefore, the ways in which these images of “terrorists,” “illegal aliens” along with “citizens” are produced by the state and assisted by media become an integral part of citizenship practices. One witnesses this process in the course of the US Border Patrol Agents’ day-to-day operations that aim to track down and detain non-citizens.

Chouinard suggests that “[c]itizenship refers to particular ways of being situated within and responding to relations of power through which a community is governed or ruled” (2009:107). These power relations represent contradictions between formal (i.e. status) and substantive citizenship (practice). Membership in a particular state comes with

²⁰ To be able to listen or read Dobbs or Beck’s take on “illegal aliens”, one only has to type “illegal alien” and Lou Dobbs or Glen Beck in the popular search engines.

²¹ In the beginning of *History of Sexuality*, Foucault explains how new discourses are created and normalized. Foucault demonstrates how small re-action to a “normal” repeated sexual favor in the past leads to the creation of various other legal and social discourses work to ban the old “normal” (1990 [1978]: 17-35).

rights, legal and moral criminalize duties, and responsibilities. In the US, these qualities are for the most part constructed and shaped through both repressive and ideological state apparatuses (Althusser 1972). These apparatuses often reflect and serve the interest of dominant groups such as wealthy, Christian, heterosexual “White” males. State apparatuses which include institutions such as the border patrol, mass media, religious and educational institutions, etc. most often reflect the interests of these groups. Thus, I argue that when BPAs confront people to determine their citizenship status, those people obey the laws and policies that are constituted by these dominant groups. While formal citizenship stresses citizens’ rights and responsibilities to the nation-state, the actual practice of citizenship raises the question of how these rights and responsibilities are practiced in a way that excludes some people and their rights in certain spaces and places (see Sibley 1995). In other words, citizenship contains rights, duties, and responsibilities, while at the same time, it is also a tool for defining and excluding those who do not have or share these qualities (Isin 2002a, b; Painter and Philo 1995; Purcell 2003, 2008; Staeheli 2010). Clearly, the space in which citizenship is defined and contested is a continuous concern for geographers.

More recently, Staeheli (2010) has re-examined the citizenship concept in political geography and argued that citizenship is not easy to capture and locate.²² She points out that citizenship is a contested term both in theory and practice and that there are different and contradictory approaches and definitions that attempt to explain the concept. As a result of these diverse approaches, multiple meanings surface: “citizenship is multifaceted; it is embedded in the relationships that construct places to broader

²² Yet, border agents seem to have no problem capturing the difference and distinguishing citizen from non-citizen.

networks; it takes on different context; and it seems to be defined as much by what it is *not* as by what it is” (Staeheli 2010: 1, original emphasis). Staeheli’s re-examination of citizenship is useful to inform, expand, and systematize my understanding of the citizenship literature.

Staeheli suggests that given the differences found in debates around the concept of citizenship, there is recognition that “actually existing citizenship” cannot be detached from the broader currents and processes shaping societies (2010: 2). Therefore, citizenship is both a *status* and a *practice*, or as Staeheli puts it “a set of relationships by which membership is constructed through physical and metaphorical boundaries and in the sites and practice that give it a meaning” (Ibid). In other words, citizenship is materialized when individuals encounter the nation-state at particular sites such as public and private spaces (inside sovereign territory), spaces above the national (offshore), and sites beyond the Global North (Mountz 2010: 150, 2011: 76; Staeheli 2010: 2-3). If we recall the discussion of Chomsky and Debord’s mass media analysis above, it becomes clear that these metaphorical sites, physical borders, or in my case anywhere within 100 miles of the border (mobile borders), constitute some of the places where citizenship is made, remade, and contested everyday. For example, mobile border policing enables the US State and its institutions—with laws and policies and discourses of fear and security—to justify its exclusionary practices as if border policing is necessary for the protection of US democracy and citizens from potentially dangerous non-citizens, “illegal immigrants,” “aliens,” “terrorists” or whoever looks like a non-citizen (Staeheli 2010:2, Nevins 2010: 114-15, for geopolitics of fear see Pain 2009, 2010, Staeheli and Nagel 2008).

These contestations between who is or is not a citizen are not always seen, and when they can be seen, they are communicated *one-way* so that the material existence of non-citizens in these spaces becomes transgression, rather than resistance of the boundaries of citizenship practices. This tension is partly due to differing views on how to conceptualize citizenship, which further complicates the question of which part of citizenship, formal versus practice, one must focus. Staeheli acknowledges the points made in Isin and Nielsen's analysis (2008: 2, quoted in Staeheli 2010: 7) that emphasis should be given to the historical construction (patterns and relationships) of citizenship. In other words, it is important to "understand the formation of citizenship, its genealogy, and its disruptions" (Ibid). However, Staeheli goes on to say that it "feels uncomfortable to seem to ignore the citizen-subject, to decenter experience and subjectivity" (ibid). Sharing Staeheli's discomfort at ignoring the citizen-subject but also recognizing the importance of citizenship as a historical construction, my analysis in later chapters utilizes the historical construction of citizenship, and citizens and non-citizens of the past and present. As a political geographer, I make use of the past to understand and investigate how are citizen(s) and non-citizens produced and reproduced presently inside the US territory.

3.1.2 Conclusion:

Based on the discussion above, it is difficult to univocally define or conceptualize citizenship. As I have argued, citizenship is made, remade and contested. The practices of citizenship occur not only at border crossings but also in train/bus stations, downtowns, public parks, universities or the private spaces of malls. But so does the contestation of these practices. In relation to citizenship and the state, Purcell (2003: 570) suggests that

the economy and the state have been de- and reterritorialized at different scales. While the economy might be reconfigured by the “spatial reorganization of policy coordination,” the de- and reterritorialization of citizenship and the state challenge the idea of the nation and the state. These changes at various scales might give the impression that the nation and the state have been undermined. However, in spite of this direct challenge, one still observes that in the formation of the EU and NAFTA, nation-states (at least dominant ones such as the UK in the EU and the US in NAFTA), continue to make decisions in their national interest rather than in response to regional or other states’ concerns. In terms of citizenship, these states continue to define and practice citizenship²³ on different but connected scales. Neil Smith uses the term “jumping scales” to show the connection among various scales (Smith 1993: 66). Smith explains “[i]t is geographical scale that defines the boundaries and bounds the identities around which control is exerted and contested” (Ibid). Here, the scale is not cartographic or methodological, but rather it is geographical. Geographical scale is a social process, which contains both social activity and the site where this activity takes place. While de- and rescaling occurs in citizenship, the state, and the economy, this does not mean that the traditional state is destabilized or undermined. As Brenner (1999: 53, emphasis added) explains:

“Crucially, this re-scaling of territoriality does not entail the state's erosion but rather its reterritorialization onto both sub- and supra-national scales. States continue to operate as *essential* sites of territorialization for social, political, and economic relations, even if the political geography of this territorialization process no longer converges predominantly or exclusively upon any single, self-enclosed geographical scale.”

²³ This does not mean that there is no resistance to these unequal and unjust practices.

This view of scale describes the case in my thesis. The US state continues to work to shape social, political and economic relations. These new forms—the EU, NAFTA, ASEAN, etc—like the idea of citizenship, are still subject to institutions that are the products of the state. In other words, the state fights back; it continues to define and redefine who is and can be recognized as citizen with these changes. This is not to suggest that the state is the sole determinant in citizenship; however, it is a sign of its power that the state and its apparatuses (imagined or materialized) continue to define citizenship and exclude some people as “undesirable,” “illegal,” “terrorist.”

3.2 The State:

This section will focus on the concept of the state, principally the US State (borrowing the term US State from Alexander and Mohanty 1999, Mohanty 2006). After providing brief definitions for the concept of state in general, I critically examine state and state apparatuses in order to understand how these apparatuses work to shape people’s lives. Then I move my discussion to an examination of the US State that can be understood as a set of political, economic and socio-spatial apparatuses that create spaces of inclusion and exclusion. The main point that I want to emphasize here is that the state is—whether as an “imagined community” (Anderson 1983) or as a combination of concrete “Repressive and Ideological apparatuses” (Althusser 1972)—both powerful and imperfect; it works to influence and shape social, political and economic life to be able to serve particular interests.²⁴ Hence, these particular assertions have material consequences

²⁴ Some of these particular interests include, but are not limited to: the needs of capitalist production (accumulation of wealth and continuation of capitalist relations); the needs of the those who are in position of power (the need to establish political legitimacy in order to normalize social, political, economic relations); needs of the state institutions (survival of the state institutions and jobs), and the needs of the people (basic rights such as right to

for those who do not benefit from particular interests. Therefore, my aim is to explore the idea of the state, but not to decide which conceptualization of the state works better. Instead, I give my attention to how the state (or different versions of the state) create conditions—laws, policies, definitions (and discourses if you like)—that have significant material consequences for those who are recognized as non-citizens. While I focus on the concept of the state and citizenship in this section, the following chapters provide a comprehensive discussion on how people were/are affected by the US State both from a historical and geographical perspective.

3.2.1 Characteristics of the state and the US State:

The idea of sovereignty grants the sovereign with an absolute authority over a political community and territory, as well as control over the people (Gregory et al 2009: 705-6, Coleman 2009). Through the formation of the state system, sovereignty has shifted from kings and queens to the state or “people” (Taylor 1994: 155). The *sovereign states* have the power to organize and administer (and desire to expand) their territory and control the movement of people and commodities inside their territory. The foundation and integration of this sovereign and territorial system of states was put in place by the treaty of Westphalia in 1648 (Taylor 1994, Jessop 2009, Jones 2009, Paasi 2003: 114).²⁵ The centralization of sovereignty and territoriality enabled states to make use of “despotic” and “infrastructural powers” to gain access to and manage people’s lives (Mann 1984), and thus, made it possible to imagine the state as a *nation*—a group of people who supposedly share a common identity and/or characteristics (Anderson 1983).

education, healthcare, right to move, etc. (For a more comprehensive discussion please refer to Purcell and Nevins 2005).

²⁵ For a critique of the Westphalian sovereign and territorial state, see Elden (2005).

The sovereign and territorial state system recognizes nation-states as the only actors in world politics, which is “made up of an anarchic, unregulated space of the international and the ordered [domestic] space of sovereign states” (Sharp 2009: 359).

The concept of state can be understood as a historical and contingent social construct made up of apparatuses that can be repressive (military, police) or ideological (school, media) (Althusser 1972: 142-8).²⁶ These apparatuses (along with other *dispositifs*) can work as a set of governing strategies (i.e. governmentality, Foucault 2007), which aim to construct the population in particular ways such that the people are trained to govern themselves in particular ways. In addition to the above, other alleged characteristics of the state include, but are not limited to, imperialist, capitalist, neoliberal, neoconservative, masculine and heterosexual, etc. (Harvey 1985, 2005, Mohanty 2006, Brown 2006, 2010). To add insult to injury, twentieth century decolonization increased the number of “anarchic” states (Gilmartin 2009) and according to the United Nations there are over 190 states (www.un.org), which more or less embody at least some of the aforementioned characteristics.

The consideration of all these factors complicates, if not making it impossible to provide a definition for the state. What emerges here is that like other concepts reviewed in this chapter, no one theory can provide a definitive explanation of the state. With these theoretical obscurities and practical difficulties on my mind, I argue that the state is always partial, unraveling and contradictory, and as a powerful instrument, the state

²⁶ Althusser reminds us that repression can take non-physical forms, for example administrative repression (1972: 143). For Althusser the Repressive State Apparatuses (RSAs) are the military and the police whereby the state can use force. On the other hand, the Ideological State Apparatuses (ISAs) such as schools, media and religious institutions works ideologically. For a more recent, comprehensive critique of Althusser see Ahmed (2000: 23-4).

attempts to act as a buffer. In other words, the state, while protecting economic interests, it also aims to “protect” its citizens. For those who are recognized as citizens, the state facilitates quality of life by providing the physical and social infrastructure for education, healthcare, etc. At the same time, those who are not part of the “imaginary” are left out. The state is a useful tool for achieving social, political and economic hegemony where relations can be controlled in support of dominant groups. Therefore, most often, if not always, the state serves dominant groups.²⁷ For example, securing the “nation’s borders” and conducting border policing are both done supposedly in the interest of the “citizens.”²⁸

Through a variety of institutions (apparatuses), the state works to control social, political, and economic relations among the people who live inside its territory (Gilmartin 2009: 19; Mountz 2006: 460). Gilmartin (2009) describes the state as a legal, political and geographical “entity” that is marked by national borders. The term *state* is also used in reference to the nation-state. Although the two concepts are connected to each other, there is a difference between the state and the nation-state. The nation-state refers to a group of people who live within the national borders of the state. Therefore people are taught to believe that they share a common language, religion, history or other cultural practices. The invention of false commonalities is supposed to overcome the differences (of class, gender, or religion) that may otherwise divide people from one another within the nation-state (Mitchell 2000: 269). However, the idea of a large group of people who share the above commonalities can never be achieved because not all people share the

²⁷ The most recent US government response towards Occupy Wall Street demonstrators does testify to my points above.

²⁸ Chapter four and five will closely examine these points.

same language, religion or history (Ibid). Therefore one might suggest that there is no such thing as nation. However, if and when people are made to believe in such a thing (or a process, community or fantasy), the state becomes a spatial container. Hence, socio-spatial exclusion (legal, political, economic) becomes a tool in two ways: by 1) alienating the people who are not socially acceptable inside the nation-state's territory and 2) by reaffirming and bringing the idea of the nation-state as a container into reality. I investigate relations and tensions between those who are considered part of the US and those who are considered "alien" in the following chapter where I focus on the history of whiteness and minorities in the US.

Agnew (1994) provides a critique for the state-centric geopolitical order, which imagines the state as a container and boundaries as solid lines. He calls this reduction the "territorial trap,"²⁹ which is based on three different but related assumptions. First, sovereign states require clearly bounded or fixed sovereign spaces; second, they require a distinction between domestic and foreign (national/international) relations; and third, they assume the territorial state as a geographic container (Agnew 1994: 59, see also Paasi 2003: 117). These concepts and assumptions suggest how Cold War geopolitics firmly classified "good" and "bad" without much difficulty. From a North American perspective (and wherever consent is manufactured), the Soviet Union was associated with communism, Iran with fundamentalism and the US with freedom and democracy (Sharp 2009: 361). Agnew's main focus was on these rigid arrangements and stable borders. When these state-centric assumptions are brought to life, the world suddenly becomes a

²⁹ For further discussion of Agnew's territorial trap see also Paasi 2009, 2011, Reuber 2009.

space that is neatly marked to exclude individuals and separate states into easily identifiable containers.

State-centric approaches suggest that the spatial and political relationships among containers—economy, territoriality, sovereignty, and citizenship—must be dealt with at the state level, without reference to the people who experience the state and its politics on the ground. Taylor (1994) critically examines this idea of the state as a container in relation to territoriality. He discusses the four basic tasks of the territorial state: wage war; manage the economy; give national identity; and provide social services. He presents four different containers and provides a critique of them. As power containers, states tend to maintain their existing boundaries; as wealth containers, states tend to expand their territories; as cultural and social containers, states focus on creating large/small scale “imagined communities.” As mentioned above, states have to convince their citizens to believe that they share a common language, history and even a race or religion. Taylor concludes that the process of nation building ignores the fact that states consist of mixed cultures and minorities; hence, in practice the idea of the nation-state should be nothing but a myth (Taylor 1994). But in fact, as I demonstrate in the next chapter, the state serves some constituencies quite well by reifying their position through self serving laws and policy, making the idea not false, *per se*, but exclusive and exclusionary.

The contemporary state continues to exercise sovereignty, assert territoriality, and work to construct the “nation.” I now focus my attention on an examination of the US State. A critical examination of the US State will assist me in my empirical chapters where I investigate the people who have struggled to find a social, political and economic

space inside the US State. Chandra Talpade Mohanty and Jacqui Alexander (1997, Mohanty 2006: 10) offer one useful view of how one can understand the US State. They refer to it “as an ‘advanced capitalist’ state with an explicit imperial project, engaged in practices of re-colonization, prompting the reconfiguration of economic, political and militarized relationships globally” (ibid). Mohanty and Alexander argue that the US State (and other advanced capitalist states) shares specific features: first, states own the means of violence which are organized in the name of “national security”; second, through militarization, postcolonial states *re-masculinize* the state apparatus; third, state practices consolidate patriarchy and colonize, through racializing and sexualizing their people, particularly women. Finally, heterosexual citizenship is promoted through “legal and other means” (ibid).³⁰ The construction of (particular) “citizens” by the state includes some and excludes others. The state, particularly the US State, creates racialized, gendered and heterosexual images of the citizen as a patriot, and others as “the sexualized and de-masculinized external enemy and potential domestic terrorists” in the service of its imperial needs (Mohanty 2006: 14). Thus, it is not a surprise that undocumented immigrants are criminalized, racially profiled, detained and deported.

Mohanty’s analyses are important because one can observe the contradiction in state practices where capital and certain people can freely roam in the US and around the globe. The same right, if not completely denied, becomes close to impossible for others (see Mountz 2010, Hyndman 2001, 2004, Nevins 2010). As mentioned above, while

³⁰ Under the “Don’t ask Don’t tell,” Defense Marriage Act (Mohanty 2006: 10) which was recently overturned, same sex couples were denied visas and citizenship (see http://www.huffingtonpost.com/2011/03/30/same-sex-couples-denied-i_n_842646.html). State domination over people’s lives and the promotion of heterosexual citizenship should also be seen as part of other struggles. In other words, the struggles of LGBT should also be connected to the struggles of (authorized or unauthorized) immigrants.

goods and capital can flow with very little interruption (along with some privileged *bodies*), for others, their presence in public and private spaces is not only limited, but also they are subjected to imprisonment and deportation. The state can act as an instrument of power to control the movements of certain groups of people.

A number of important ideas strongly manifest themselves in my research and in the lives of the people who encounter the state on a day-to-day basis. The presence of *the state, borders, modes of citizenship*, state institutions, policies and agents have material consequences for the people on the ground. The “imagined state”, whatever the form and shape it takes, still acts as (if it is) the facilitator of social relations among people; sometimes by means of violence and at other times through social, political, cultural and economic processes that take part in shaping these social relations. Consequently, the state holds on to the means of violence, which allows the state to police its borders and work to control the movement of people (along with commodities). The state is not the only determinant in defining these practices; nevertheless, it is an important and powerful one. For instance when BPAs practice their routine checks in certain public spaces, permanent or mobile, borders become not only fixed lines that separate one sovereign state from another but also tools for the excluding of “others” inside state territory.

3.2.2 Conclusion:

Based on the discussion above, I suggest that there are many possibilities for how the state can be described and examined. Mohanty’s examination of the US State clearly demonstrates this complexity. However, when viewed from the perspective of the US State, this complexity seems to fade away. Negative images such as “dangerous terrorists,” and/or “illegal aliens” have been manufactured and presented by the state and

most mainstream media. BPAs combine coercive powers of the state with different surveillance strategies to search, detect and remove these “dangerous” people from US territory. The BPAs’ border practices make it possible for state ideologies (such as you are either with us or with the terrorists) to make their way into everyday spaces such as parks, downtowns, bus terminals or highways. Bordering practices are not the only way the state enters into the everyday. Although this paper focuses on BPAs within 100 mile of the border, other US State apparatuses currently work in various locations and further inside US territory (Coleman 2009, Coleman and Kocher 2011, Harrison and Lloyd 2011, Hiemstra 2010, Nevins 2010). Consequently, the modern state’s policing practices can be found at a variety of spaces and thus scales—federal, local, etc. The jurisdiction of BPAs (and other immigration officers) extends inside of the US border. For example, 287 (g) gives some of the immigration enforcement duties to local police so that they can enforce the border practically anywhere in the United States (Coleman 2009: 907-910, Coskan-Johnson 2011: 4). Literally, the “imagined” US State can be encountered and experienced in its real form everywhere within its territory.

3.3 Border and Territory:

In this section, I review the geographical literature on borders and territory. First, I focus on the conceptualization of border from Cold War geopolitics—rigid lines and neat territorial units, and then I move to the “borderless world” and ultimately to (im)mobile borders. Second, I look at different definitions of territory and examine how territory is used to re-create rigid lines that separate “us” from “them.” Literature on the border generally includes other related concepts such as territory, security and surveillance. While I continue to make reference to citizenship and the state, I also

tentatively make use of concepts such as territory, security and surveillance here. I offer a more detailed examination of these concepts later in this chapter. My examination of the border and territory literature contributes both to the investigation of internal bordering practices within US territory and to the development of political geography and geographical knowledge.

3.3.1 Making borders

Like other related themes in this chapter, both the idea and the definition of border and territory are particular social constructs, and therefore they are complex and contested inside and outside academia. In terms of the theorization of borders, Newman explains that different academic disciplines have been trying to conceptualize borders. He writes “the meaning of what constitutes a border for one is not always compatible for another, with the disciplinary semantics and terminologies remaining a significant barrier to a full fusion of ideas” (2006: 144). Thus for some, borders are imagined as lines on a map which neatly divide the world into stable containers or state territories. But, what does one mean by imaginary?

Here, my aim is not to suggest that these lines and borders are not real. They are real. Material and/or symbolic, different definitions of borders and the applications of these definitions of the borders have significant consequences for those who are not *recognized* as “citizens.” For the US government these lines constitute the illusion of stability, despite the fact that borders (and territories) are not stable, and are not limited to lines on maps, because these lines make certain people’s lives extremely difficult. Mountz asserts “[f]or the undocumented, the displaced, and the stateless, for people of color with tenuous legal status, the border is everywhere” (2004:342). Borders are

physically constructed and policed (and thus, made real), not only at the edges of state territory but also inside and outside state territory (Mountz 2010, 2011). The border can materialize as a physical building at the port of entry point or as a wall or a fence that marks and separates one sovereign state territory from another (for fences and walls see Brown 2010). The states' desire (and need) to control the movement of people is materialized in these spatial forms sometimes as walls and other times as fences and buildings. While these features are common on the southern border of the US, recently, the borders and policing of borders can also be witnessed within the northern parts of the US. These mobile and internalized borders and border policing appear in the form of US Border Patrol Agents in bus and train stations, shopping malls, parks and downtown Rochester, NY (Jensen 2009).³¹ Sometimes mobile borders appear in the form of US Immigration and Customs Enforcement Agents raids in a slaughterhouse and meatpacking plant in Postville, IA (Harrison and Lloyd 2011), or "at highway checkpoints, at ferry terminals, in government buildings, on college campuses and preschools, at social and health services, on buses, at places of worship, at workplaces and in neighborhoods" in the Olympic Peninsula, WA (Border Patrol Free Zone, accessed 8/29/2011). The border seems to be acting like an invasive species; it enters into internal US state territory, seemingly distant from its "natural" habitat on the edges of the state.

The state, its institutions and agents *confront* people in certain spaces to determine their status or membership, whereas people *encounter* the state. In other words, state actions are calculated and planned (always imperfectly) as they target particular people and locations within 100 miles of the international border. However, people experience

³¹ Also see "Caught in Transit: The Rochester Border Patrol Station," <http://vimeo.com/912940>, accessed on 8/29/2011).

these border and bordering practices as unforeseen interruptions of everyday life and as the result of just being in these particular locations. Yet, borders—fixed, disappearing, or mobile—come to life when the particular idea of the border is put into practice. To examine this everyday interruption, the critical question should not be what *is* a border, but rather, who defines the border? In other words, who reifies the border? How is it made and remade? Who benefits from these bordering practices and who does not? While later chapters make use of empirical examples to answer these questions, below I examine how recent historical and geopolitical events have made and remade borders.

Cold War geopolitical relations between the Soviet Union and the United States were based on a universal binary logic, or as Agnew (1994) would call it, a “territorial trap.” The world was divided between “us” and “them” (Dodds 2003: 206, Reuber 2009: 447). The other less important “players”, states or people other than the US and Soviet Union, were characterized by their relation to the US or Soviet Union. These “less important” states and the individuals who lived in these bounded spaces were defined by one or the other category—“us” or “them,” depending on ones’ perspective. The importance was given to making borders as recognizable and as visible as possible. As Newman explains (2006: 145, emphasis added) the border “[n]ot only was tainted with the post-second world war geopolitics brush, but borders were also perceived as being physical and static outcomes of the political decision making process, *to be described rather than analyzed.*” Later on this image of fixed borders was called into question by the geopolitical changes that took place during the late 1980s.

The late 1980s were marked by the collapse of the Soviet Union and the Berlin Wall. The borders that separated “them” from “us” fell down. Cold War geopolitics

represented how static borders had helped to create neat divisions among the many states. For example, the Soviet Union was associated with communism, the US with freedom and democracy, and Iran with fundamentalism (Sharp 2009: 361). However, these neat divisions began to tremble during the decade of the 1980s. From the perspective of the US State, the falling walls resulted in the disintegration and fragmentation of “them.” This transformation was also influenced by the increased role of international economic institutions, agreements and unions such as NAFTA, ASEAN and the European Union (Brenner 1999:53, Muller 2010: 77). When combined, these events gave the impression that the state and its borders were fading away; the borderless world was seen as the future (Andreas 2003: 83, Brenner 1999: 50-53, Fukuyama 1989, Johnson and Jones 2011: 63, Newman 2006: 143, 2003: 133). However, neither the borderless world perspective (Ohmae 1989), nor the fixed borders of the Cold War (Ó Tuathail and Agnew 2006 [1992]) questioned the modern state system that was based on a 17th Century Treaty.

Ó Tuathail and Agnew explain that geopolitical thought should not be accepted as an organic and objective part of political philosophy. In other words, geography and geopolitical analyses can never be objective and impartial. Ó Tuathail and Agnew assert “[t]he great irony of the geopolitical writing, however, is that it was always a highly ideological and deeply politicized form of analysis” (2006: 95). Within the context of the discipline of political geography, scholars such as Ó Tuathail and Agnew argue that geopolitics cannot be reduced to the “East-West” divides. The state-to-state relations tell us little about people.³² For example, during the Cold War there was little or no agency

³² Yet, this reductive approach is and has been part of the US foreign policy.

for the people who were part of these neatly bordered territorial units. Geopolitical examinations are not limited to the foreign policy and international relations of the states (Cowen and Smith 2009). Yet, even during the post Cold War period when people are mentioned as part of the borderless world, the focus was on economically (and socially) privileged citizens (Ohmae 1989). In his article, in a section called “geography without borders”, Ohmae argued that we are living in a “borderless world,” and that states are becoming less visible and “global citizenship is no longer just a nice phrase in the lexicon of rosy futurologist” (Ohmae 1989: 153-4). Ohmae’s borderless world seems to be made up of only consumers who want cheaper products, which Ohmae portrays as the leading cause for the elimination of national borders and the production of “global citizens,”³³ and “transnational elites.” While the conditions and the need for cheaper products has been implemented by various free trade initiatives (i.e. NAFTA), these are not initiatives for freeing borders or eliminating fences and walls (Brown 2010).³⁴ Hence, one wonders who these global citizens and transnational elites are that can travel and cross borders easily in Ohmae’s world.

These elites take part in the production of border crossing discourses. The regular movement of these people “has a particular geography; a very uneven geography that is

³³ These elites are most often identified as “expatriate” instead of immigrants.

³⁴ The EU’s Schengen area might give the impression of borderlessness; however, it is quite the contrary. The European Union’s (EU) foundation was to bring peace, stability and prosperity to Europe, and since then it has been pushing for diversity and (searching for) the identity of the “European” (McCormick 2005). On the one hand, the EU is constantly pushing for diversity, while on the other; the EU is using “cultural difference” as a tool for excluding non-Europeans. The “Schengen area” is created by a subset of the EU member states. The agreement opened the borders for those who are “EU nationals” while heavily restricting non-EU citizens. The Schengen area created a borderless Europe by creating a “fortress Europe” (Rodríguez-Pose 2002: 108).

reflective of uneven development processes at a global scale” (Olds 2009: 381). The term “transnational elite” here refers to those who have the ability and means to move without much state interference across national borders regularly—without much scrutiny *at* or *inside* the national borders (Olds 2009). This elite group includes executives of multinational and transnational corporations along with other global nomads (and/or expats), who have the social and economic means to travel and cross national borders to live in two or more countries (ibid). Global citizens and transnational elites possess socio-economic capital that creates the conditions for them to be able to easily cross over fences, walls and borders. The people who are picked up by BPAs in the fields, bus stations, parks, or highways can also be viewed as nomads, or as transnational and global subjects. But the difference is that while crossing fences, walls and borders, nouns such as “transnational,” “citizen” or “elite” are dropped. The reified US border identifies these people with new adjectives: “illegal” immigrants and/or “aliens,” “economic” migrants which makes “imaginary” borders material—*real*. Therefore, it is crucial to return to Mountz’s point above; for the undocumented, the displaced, the stateless, or people of color with tenuous legal status, the borders and consequently the state, is everywhere.

Hence, to complicate the claim of a borderless world, one can argue that neither the people nor the borders (nor the states, for that matter) are disappearing, because every deterritorialization is followed by reterritorialization (Mitchell 2000: 263). The tainted geographic and political products of the post Cold War imagine a borderless world that is perhaps only available to some privileged members of the world. There are also other people involved in these geopolitical relations that try to define the border. Therefore, the traditional sovereign territories of the states and their borders have to be examined as “the

sum of social, cultural and political [and economic] processes [and relations]” (Johnson and Jones 2011:61). These conceptual changes are useful since they reflect the fluidity of borders and thus contemporary border policing. In the United States, one could see and experience border policing anywhere within 100 miles of the international border (Mountz 2011: 65). If borders are everywhere, then the related subjects such as citizens and non-citizens are everywhere as well. For the BPAs and the people, anywhere within 100 miles of the international borderline becomes a site for defining and reifying citizen and non-citizen. The extension of the legal jurisdiction of the border exacerbates the tension between the state and the citizens and non-citizens over who is or is not a citizen. As a result, the legal application of the border, which appears to be neutral, is in fact embedded in historical relationships that have attempted to exclude people based on their race, skin colour, sex, sexuality, health, religion.

Borders may be complicated and difficult to explain, however, when the idea of a fixed or mobile border is backed by laws and public policy that are exclusionary and applied on the ground, the resulting discursive practices allow BPAs to control and normalize the idea of both border and, citizen and non-citizen. The apparent aim is to secure the border (and the “nation”) from potentially dangerous non-citizens, “illegal immigrants,” “aliens,” “terrorists” or whoever looks like a non-citizen (Staeheli 2010:2, Nevins 2010: 114-15). In other words, through these border policing efforts, entry points as well as anywhere within 100 miles of the international border become places where border, citizen and non-citizen are made, remade, and contested every day.

The struggle to define what a border is and how it should define citizen and non-citizen suggests that the idea of the border is fluid both in theory and practice. The

material and the symbolic borders of the state and its bordering practices are also changing and moving—becoming fluid. The increased availability of personal information in cyber space also assists authorities in determining whether a person is who they say they are by electronically scanning their passport at entry points. The data collected and stored in cyber space used to determine who can or cannot enter. Mountz (2011: 76) explains:

“Borders are increasingly characterized by movement rather than a stasis. Borders are more diffuse and proliferating more rapidly than at any time, and they are reproduced as digital entities in cyber space where authorities share data, and as legal and bureaucratic entities where migrants and advocates struggle over policy to negotiate entry and exclusion.”

The transformations of the states’ borders are, to a degree, due to the implementation of new laws and policies, and to the use of new technologies that enable security and surveillance of the people. In other words, borders and citizenship are practiced (at offshore locations or inside state territory) in such ways that exclusion becomes more visible in everyday life. Mountz (2011: 76) reminds us that

“[g]iven recent changes to actual boundaries around the nation-states, however, it is imperative that political geographers in particular not lose sight of the physical manifestation, material realities, and everyday productions of borders that function to include and *exclude* a range of people located somewhere along a spectrum between *citizens* and *non-citizens*. ”



Figure 2: The spectrum of Citizen and Non-Citizen: The citizen, non-citizen, “alien,” “illegal,” “terrorist,” “wetback,” etc. are not separate from each other. They are part of the same continuum. However, the US State works to define citizen and non-citizen as two distinct points.

This idea of a spectrum is crucial, because the distinction between citizen and non-citizen on this spectrum appears to be an ambiguous line, like the borders that work to separate one state from another. However, for BPAs citizenship does not seem to be viewed as much of a spectrum, but rather as two distinct points, as I demonstrate in chapter five.

3.3.2 Conclusion:

There are two important points in my analysis of the study of the transformation of borders. First, since borders reflect changes in government policies, the shifting spatial location of the border is crucial for the examination of border policing. Significantly, as I demonstrate in the following chapters, the BPAs confront people away from the traditional border entry points. They confront people in both public and private spaces to inquire about their citizenship status inside the US. Second and related, borders are not only spatial but also temporal. Therefore borders reflect ideologies that aim to create discourses that are divisive--discourses that promote and protect the particular interests of whiteness³⁵ while appearing to be neutral. These discursive practices at the border attempt to freeze spatial, temporal and historical relationships to normalize and reify border, citizen and non-citizen. For this reason, US border policy fails to recognize people as occupying a spectrum. I recognize that the people and the state are not independent from one another, but still, state institutions and border agents unevenly produce border, citizen and non-citizen. They are able to recognize “wetbacks,” “aliens,” “illegals,” or “terrorists,” and then have the legal authority to incarcerate and remove these people. Although I examine this process of the exclusion of “others” based on whiteness in chapter four extensively, this pattern of making “others” is not new in North

³⁵ Helga Leitner’s (2012) examination of a rural small town in Minnesota is an example of how these (spatial, temporal and historical) complex divisions are at work.

American history (Berlin 1998, Haney-López 2006, Nevins 2010, Sanchez 1995, Zinn 2003, 2007). It is the US State that had formerly identified Native Americans as “savages out to scalp white settlers,” and it has also identified Muslims as “bloodthirsty terrorists” that threaten the United States (Mohanty 2006: 12). The ideology that developed the so-called biologically different races in the US (see Mitchell 2000: 230-58 for comprehensive discussion) not only excluded the Chinese and put Japanese (but not Germans or Italians) into internment camps, but it also forced African slaves to carry travel (or freedom) papers (Berlin 1998: 68, 282). And in the present, the US State continues to produce similar categories and enforce similar constraints on people within 100 miles of international borders.

In the next section, I shift my attention to the control of state space. I examine territory and territoriality in order to better understand how territoriality is exercised and employed in and outside the US.

3.4 Terror, Territory and Territoriality:

As some scholars have repeatedly suggested, territory has been neglected in spatial analyses and such scholars make a case for rethinking territory and territoriality (Sack 1983, Agnew 1994, Vandergeest and Peluso 2001, Elden 2007, Painter 2010, Murphy 2012). An etymological investigation of the word territory suggests that the term (in the Western World) comes from the French *territoire*, which is originated from Latin *territorium*. *Territorium* is believed to be linked to *terra* (earth). However, scholars such as Elden (2007: 822) and Painter (2010: 1101) suggest it might also have some connection to *Terrere*, which means to frighten or “frighten away.” Hence, *territorium* means “a place from which people are warned” (ibid, also see Oxford English

Dictionary). In what follows, I evaluate the concepts of territory and territoriality to be able to demonstrate, in later chapters, that BPAs use these conceptualizations which help them to expand spatial control of everyday spaces.

3.4.1 The struggle for territory and territoriality:

Everyday usage of the term territory generally refers to a demarcated area or a space that is occupied and controlled by a state, group or individual. In other words, territory is a geographical means of control. While a small neighborhood or a human body can be a territory (Delaney 2009: 196), the usage of the term is most often associated with the modern state system (Elden 2007, Painter 2010). A more detailed characterization of territory can be described as a spatially organized, administered and bounded area where institutions, groups and individuals *control* the movement of people, money and commodities.

Actions that aim to control movements in a defined territory are called territoriality. According to Sack, territoriality is “the attempt by an individual or group (x) to influence, affect or control objects, people and relationships (y) by delimiting and asserting control over a geographical area. This area is the territory” (Sack 1983: 56). Territorializing often takes place within the privileged position of state institutions and agents and is usually legitimized through the notion of state sovereignty (Delaney 2009: 201). Hence, by shifting borders from lines on the threshold of state boundaries to anywhere within 100 miles of that edge, border agents assert their sovereign power and control the movement of people within US territory. This territorial sovereignty reifies political identities such as citizen “and forms the basis on which states claim authority over people and the resources within those boundaries” (Vandergeest and Peluson 2001:

177). Therefore, as a state space, territory is defined, defended, contested, and claimed against the claims of others (Cowen and Gilbert 2008).

Painter (2010), following Timothy Mitchell's critique of the state (1991), suggests that territory as an effect should be understood as the product of relational networks and he uses the term "socio-technical practices" (2010: 1096). He first traces the Francophone and Anglophone roots of the term territory. Painter follows French scholar Lussault's conceptualization of the term territory and later on he provides an empirical study of parts of England as an example. Lussault describes territory as a space that is arranged by the foundational notions of "contiguity and continuity" which "depend less on *material* aspects of space than on the systems of ideas (*systèmes idéels*) that frame the space in question, as well as the related practices that take place there" (Lussault 2007:113, quoted in Painter 2010: 1102, emphasis added).

On a conceptual level, Painter's discussion of territory seems useful; however, in following Timothy Mitchell's (1991) argument, Painter seems to overlook the important part of the territory and territoriality in relation to the state. Mitchell argues that the state is *not* a structure or a thing apart from society. Thus Mitchell suggests that the state should not be understood as an actual structure but as a structural effect, that is "as the powerful, metaphysical effect of practices that make such structures appear to exist" (1991: 94, Painter 2010:1095). Painter applies Mitchell's view to rethink territory, and he concludes that territory is not an eternal and fixed geographical account of state power (2010: 1116, emphasis added), "but a porous, provisional, labour-intensive and ultimately perishable and *non-material product* of networked socio-technical practices." Again, on a conceptual level Painter's discussion of territory might make sense, and it might be useful

to think and theorize territory is not constituting an actual state space, “but as the powerful, metaphysical effect of practices that make such spaces appear to exist” (Painter 2010:1116). However, on a more material level, I argue that, first, the US territory and the US state are not only appearances. In other words, Painter overlooks certain material conditions. The state space, territory, is also spatial (and temporal). The state creates policy and laws to maintain a particular idea of borders, territory and territorial sovereignty. The state makes laws and uses space to incarcerate and deport people; it treats people like (state) property. Perhaps for “transnational elites” or “global citizens” the US territory can be an abstract, *non-material* space that appears to exist. However, for transnational migrants (or “illegal aliens”) it is more than an abstraction. The US state is a material space and it has the power to detain and deport people with or without papers out of US territory. According to the Applied Research Center, within the first six months of 2011, US officials deported approximately 46,000 parents of U.S.-citizen children (arc.org). It is correct to suggest that the US state is not a thing apart from the society, but it is also correct to assert that the US State materially shapes people's lives—46,000 deported parents and their children testify to this notion.

Second, it is not the mundane arrangements only that produce the state. Soja (1980) examines the socio-spatial dialectic and he argues that space, in this case territory, is not only an outcome (or product), but also an input in social and spatial relations. For example, the events of September 11, 2001 threatened the so-called territorial integrity of the US. Hence, not only the US state space, but also people who live in that space were transformed (and they transformed the space). The changes after the events continue to have social and spatial consequences for anyone who appears Middle Eastern, i.e. black or brown, in the US. The US territory and the practice of territoriality, creates “terror” for

those people who are socially and spatially excluded. For people who experience the US State, border and state, territory and territoriality are exists and, as I suggested above, for those who recognized as non-citizens the material consequences are immense.

Elden (2007) looks at the relationship between terror and territory from a material perspective. He analyses how different and conflicting assumptions about territory, terror and territorial sovereignty are used to justify the “war on terror.” In the first part of his argument, Elden investigates the connection between terrorist camps and sovereign territorial states. He explains that after the 2001 attacks, the US government struggled to locate and target non-territorial and non-sovereign (and networked) terrorists. One way to resolve this confusion was to make non-territorial target, a territorial one. President G.W. Bush, in a speech to Congress after the attacks, declared that the US would make no distinction between the terrorists who are responsible for the attacks and those nations who provide a safe place for terrorists (whitehouse.archives.gov³⁶, for a similar Bush speech see Elden 2007: 823). The US shifted its attention away from non-territorial terrorists and instead linked them with territorial and sovereign states such as Afghanistan (and Iraq). Territorial units, Vice President Cheney explained at the time, are easier targets than non-territorial and networked terrorists (Elden 2007: 824). US territorial sovereignty was used as a tool to justify the “war on terror” in other sovereign territories. Arguably, the US pays little attention to the territorial integrity of other states—an effect of US exceptionalism.³⁷ What is undermined here is the territorial integrity and

³⁶ <http://georgewbushwhitehouse.archives.gov/news/releases/2001/09/20010920-8.html>.

³⁷ Noam Chomsky demonstrates how US exceptionalism works when he contrasts the terrible events of 9/11/1973 in Chile with the 9/11/2001 in the US. The US government took an active role and provided military assistance for the military take over in Chile, which violently removed the democratically elected government of Salvador Allende and

sovereignty of Afghanistan (and Iraq). Thus, territoriality involves the exercise of power, which shapes spaces, people and the relationship between people in these spaces.

However, not all configurations of power are territorial (Elden 2007). Through networks and institutions power can be territorialized, and it is also clear that state power is not limited to the extent of its territory (Cowen and Smith 2009). A basic definition of power sees it as the ability to act or “impose one’s will against the will of others” (Delaney 2009: 200). Therefore, state hegemony can be established by imposing the state’s will (whatever it may be) over others. Here, the assumption is that the state has (or holds) a monopoly of the means of violence over people (e.g., by detaining—sometimes indefinitely—unauthorized immigrants or others who seem to be a threat to the US, both inside and outside of US territory). While the ability to monopolize and use violence is one way to assert hegemony, it is not the only way. Subjugation can be achieved without the use of force.³⁸ For example, one can look at how territory and territoriality played a role in the making of “war[s] on terror” after 2001. The US government did not employ violence towards “American” citizens to obtain their consent for the “war[s] on terror”—at least not towards White Christian Americans. One can argue that consent was taken by re-constructing the Cold War geopolitics of *us* and *them*. At this moment in US history

replaced it with dictator, General Pinochet, who prisoned, tortured and killed (terrorized) thousands of people. The United States “defends” its territorial integrity by reifying, invading, occupying, subjugating and supporting those who will serve the US’s interests the best.

(http://www.tomdispatch.com/blog/175436/tomgram%3A_noam_chomsky_the_imperial_mentality_and_9_11/, accessed on November 2011.)

³⁸ See Gramsci’s discussion on hegemony (1971: 12-13).

Muslims were (and still are) “them.”³⁹ Millions of people in the US (and around the world) took to the streets and demonstrated their disagreement with the US government over its desire to invade Iraq. Despite the fact that a large number of people refused to give their consent, the US had already laid out its doctrine, which created a simple definition for territorial boundaries. Bush declared, “[e]very *nation*, in every region, now has a decision to make. Either you are with us, or you are with the terrorists.” (whitehouse.gov). State apparatuses, such as the US military or BPAs, were put to work and practiced territoriality. For example BPAs asserted their institutional and legal *influence* (sovereignty and ownership or social and spatial powers) to detect and remove “illegal aliens” in and through the US territory. However, it should also be noted that the practice of territoriality is not limited to dominant groups.

As I suggested before, territoriality is not only an outcome of, but also an input in, social and spatial relations. Like the state institutions and agents, other people also use territory and territoriality to resist. The subjugated groups or individuals such as “[s]quatters, smugglers, intruders, fugitives, [“illegal aliens”] and asylum seekers participate in territoriality no less than do owners, customs officials, and prison guards” (Delaney 2009: 197). In March 2006, thousands of immigrants (documented and undocumented) took over the streets and protested an anti-immigrant bill proposed by the House of Representatives. The Sensenbrenner (HR 4437) bill attempted to declare undocumented immigrants and those who helped them as criminals, and to introduce possible penalties for employers who hire undocumented immigrants (Mitchell 2003,

³⁹ “Muslim” men were portrayed as “terrorists.” “Muslim” women were *again* portrayed as victims of “Muslim” men who needed to be saved by “White” men and women. (Mohanty 2003).

Staeheli and Mitchell 2008). Immigrants and other groups who supported them worked in concert, organized and re-appropriated the US state space by taking over and *territorializing* the streets of Chicago.

3.4.2 Conclusion:

I have identified different conceptualizations of borders and territory. This investigation is important for my empirical chapter where I examine how borders are created and practiced by the state apparatuses. If territoriality involves the exercise of powers then attention must be given to who does the territorialization along with those who experience it. Material or imaginary, the problem is that neither the state territory nor the borders are *disappearing*. Rather, both the border and its practices are transforming social and spatial relations and scales. It is not only exclusion that defines border and territory. They are also defined by social and spatial struggles. Struggles for social and spatial inclusion can also produce the state, institutions, borders, territories and the people, and each shape and simultaneously is shaped by the others (Soja 1980).

3.5 Security and Surveillance:

The state, as a contradictory apparatus, desires to control the movements of people and commodities inside its territory—and as mentioned before depending on the ideology in charge of the state, while securing economic interests, it can work to improve quality of life for its citizens, or diminish the quality of life for non-citizens. Thus the security of people and commodities are a central concern for the state, and the surveillance of “dangerous” people becomes a necessity for the state. These contemporary bordering practices aim to secure social and economic flows through different surveillance strategies that make these flows safer. Therefore, reviewing

security and surveillance discourses will help me to better understand contemporary border practices that seem to be invading the spaces of everyday life inside US territory. The US State and its apparatuses, such as the Border Patrol, continue to rely on traditional—linear—surveillance strategies such as border checkpoints or walls to “secure the nation.” However, these linear and permanent security and surveillance locations are complimented by current fluid, dynamic and temporary surveillance strategies. These fluid borders materialize in unlikely places inside US territory (Mountz 2011). These recent invasive border practices can be seen as part of the September 11th security and surveillance practices that also aim to find “dangerous” people on the move. These surveillance practices are justified in the name of a national security that relies on the spread of fear, which in return fosters the spread of surveillance in the everyday spaces of the state.

3.5.1 Security and surveillance?:

In order to gain operational control of borders between entry points, the border patrol combines traditional surveillance methods with contemporary technological advancements. There are limited numbers of agents that can operate. Hence the Border Patrol uses advanced technological gadgets such as “sensors, light towers, mobile night vision scopes, remote video surveillance (RVS) systems, directional listening devices, unmanned aerial vehicles (UAVs), and various database systems” (CSR 2008: 7) to gain operational control of the border between entry points. This combination gives the appearance of constant surveillance and hence security. In *Discipline and Punish*, Foucault particularly focused on his disciplinary model by examining Jeremy Bentham’s *Panopticon* (1977). Later, he reformulated some of his previous ideas in his lectures,

Security, Territory, Population (2007). In this section I use the works of Foucault and others in order to examine changes in security and surveillance strategies. Thus, below is a brief examination of these two works, both of which I found useful for the critique of contemporary security and surveillance practices in the US. After a critical evaluation of theoretical approaches to security and surveillance in social theory, I will narrow my focus to geographers to observe how certain places such as the city and the nation are used as spaces of security and surveillance.

Security can be described as “freedom from *imagined* or *real* danger in the present or future” (Gregory et al. 2009: 672, emphasis added). When the term security is applied to the Westphalian sovereign and territorial state system, it gives birth to the idea of the nation-state and national security. As *the* actor among other sovereigns, the state takes on the role of protecting and securing the nation’s territory and its solid and homogenous population. While security concerns help to construct the idea of the “nation,” at the same time they work to construct the “other,” whom the nation must be secured from. Thus, the question of “whose security” we are interested in reflects the contested nature of nation and national security rhetoric. The White House suggests, “The President’s highest priority is to keep the *American* people safe. He [Obama] is committed to ensuring the United States is true to our values and ideals while also protecting the *American* people.”⁴⁰ A historical examination of the US complicates the notion of who is or who can be an “American.” In other words, the American imaginary is not as clear as the White House puts it, because it changes with geography, time and space. However, what is clear here is that concerns around security (and surveillance)

⁴⁰ <http://www.whitehouse.gov/issues/homeland-security>, last accessed on November 13, 2012.

seem to revolve around population. Of course, there is then always the question, what is the composition of the population? Since the population is composed of individuals made up of those who are included (“citizen”) and those who are excluded (“non-citizen”), constructing the idea of homogenous population is always problematic.⁴¹ The discursive practices of security and surveillance create inconspicuous geographies of exclusion and inequality for certain groups of people.⁴² Subjugation is possible via security apparatuses (*dispositifs*), because the securitization of space is accomplished for the “nation” and for national security, which requires surveillance of “dangerous” people. In other words, in order to secure and protect the spaces of the nation, much like recognizing the nation as a property,⁴³ the people have to be *disciplined*, thus surveillance must become part of everyday life.

For Foucault the core of this disciplinary power was based on visibility and surveillance, “and involved *minute* regulation and ‘normalization’ of individual behavior through impartial observation and standardized, calculated punishment or correction of behavioral abnormalities” (Hannah 2000: 18, emphasis added). In order to illustrate this transformation, Foucault examines a sixteenth century town that was affected by the plague with the work of the panopticon. Because of the plague, the town was immediately locked down, the people were cut off from the outside, and officials monitored each street. The people were then locked inside their houses and one-by-one each house was “perfumed” (1977: 195-197). The people who were affected by the

⁴¹ I use citizen and non-citizen to refer to inclusion and exclusion. As I tried to argue in a previous section, meaning(s) are contested spatio-temporally. Who is a citizen and is not changes with particular space and time.

⁴² I will provide a brief historical review for the production of these subjugated groups (i.e. “aliens” in the US in my empirical chapter).

⁴³ If the state is a property then the question is: who *owns* the rights to this property?

disease had to be isolated from the rest of the population. The concern (and the contradiction) here was the need for a healthy population that could perform labour, create value, support the state, build geographies, produce goods. Hence, the isolation of those who could harm the healthy population was necessary.

The panoptic vision was designed as a prison to isolate those who were seen as socially unacceptable and dangerous. The panopticon allowed the threat of constant visibility through unidentified guards that coerced prisoners to behave normally by employing calculated punishments (Hannah 2000: 18). In this panoptic structure, the tower is at the center, and is surrounded by backlit cells where the prisoners are held. For the watchers, the tower provides easy and constant surveillance of the prisoners in the cells. However, the prisoners in the cells can see the tower, but not the watchers in the tower—in other words, the person in the cell can not verify if s/he is been watched at all times. Here, Foucault suggests that the application of this panoptic model into the everyday life of people will alter power relations. The spatial composition that allows permanent surveillance is crucial because “even if it [surveillance] is discontinuous in its actions,” it assures the automatic functioning of power" (1977: 201). Hence, visibility becomes a trap (1977: 200). The plagued town example provides a model that restricts movement and creates spatial exclusion for the whole. In contrast, the panoptic vision provides automatic functioning of power, and when it is applied to everyday life, it suggests “a way of defining power relations in terms of the everyday life of men [and women]” (1977: 205). Today, through a combination of human power and technology such as CCTV, unmanned drones, police, BPAs and so on, these uneven power relations and the automatic functioning of surveillance are at work in places such as parks,

downtowns, bus and train stations, factories, and schools to secure and protect the interests of those who are citizens. The safety of citizens and the “nation” is defended and secured against those who are considered undesirable, “illegal” and dangerous to the safety of the “public” in the United States (Mitchell 2000, 2003, Nevins 2002, 2010, Staeheli and Mitchell 2008, Sibley 1995).

These struggles for inclusion/exclusion take place in spaces of the nation and the cities, towns, hospitals, factories, schools, streets and so on where people not only reside but also participate in other daily activities. The transformation of small historic towns that can be closed at night, into large cities is critical for these daily social, political and economic activities. Thus in order to increase commercial activities, the town or city must be able to increase the circulation of people, commodities and capital. On the one hand, increased circulation translates into increases in trade and therefore the accumulation of capital (Harvey 1982, 2005). On the other hand, the circulation also creates security and surveillance concerns (Foucault 2007: 18-9). It would be accurate to note that in the same way, better circulation of air prevents miasmas and better circulation of commodities increases the accumulation of capital and thus provides opportunities for “citizens.” But, the large and open spaces of these cities also enable both the influx of non-citizens—lepers, beggars, workers, the homeless, and “aliens,” and the influx of state apparatuses such as the police, military, and the BPAs to prevent the actions, behavior and most often the existence of these undesirables in these spaces. Then, to be able to control these threats, not only through security but also through the surveillance of these “new” spaces and groups of people becomes crucial. To be able to monitor and achieve tangible results requires the minute regulation of particular places

and spaces instead of individuals. Instead of surveying the entire US-Canada border, BPAs can go to those places, such as bus and train stations, highways, parks, or downtowns, where not only are “aliens” *visible* but also they are in spaces that are essential for their daily social, political and economic (commercial) activities.

Foucault and Marx are viewed in opposition to each other, but in fact, as I demonstrate, they can be complimentary (see Hannah 2000, 2011, Harvey 2010). This unorthodox combination allows me to examine not only how different forms of power operate in different spaces, but also what kind of *collective* actions can be effectively used to resist power. Foucault provides an extensive investigation of how different forms of power (i.e. coercive, bio-power, etc.) operate (1977, 1978, 2007). However, his analyses do leave the reader with the question of what can we do or how can we get out of these problematic power relations. Foucault was *generalizing* about how different forms of power operate, thus he would have argued that people—or individuals, if you like—have to figure what s/he could do by her/himself. In spite of Foucault’s refusal (and sometime rejection) of Marx’s ideas, he can be seen as developing some of Marx’s notions (Harvey 2010: 149). For example, Marx ([1867] 1967: 263) lays the groundwork for how different forms of power operate (and talk to each other) and shape everyday social relations in places that are historically constructed for “free” persons, for both adults and children.⁴⁴ These places were once envisioned as “ideal workhouses” where “the poor shall work 14 hours in a day, allowing proper time for meals, in such a manner that there shall remain 12 hours of neat labour” (ibid). Later, when this idea was put to

⁴⁴ During this period, as Marx makes it clear, children between the age ten and eighteen are transformed into docile “bodies” in the factories, not in schools, by working ten to twelve hours a day (1867: 259-263).

work, it transformed the ideal workhouse into the “factory” (or as Marx called it, the “House of Terror”). These spatial structures enabled surveillance of workers (their behaviors, actions and time) by watchers (i.e. supervisors or managers)—to be able to make production as efficient as possible. This process requires supervisors to observe and discipline workers in particular ways so that over time, workers’ behavior is expected to be normalized. This normalization process serves the *owners* of capital, not the workers of the factory—spatial surveillance and disciplining aim to increase the extraction of surplus value. The watchers (or supervisors), who are also part wage worker, are concerned with every moment, every tiny second of the workers’ time and behavior; the workers’ behavior and actions have to be controlled and observed at all time because if the workers are not working during their defined work hours, s/he steals from the owners (Marx 1967: 224).⁴⁵ Recalling Hannah above, this phenomenon was actually the focal point for Foucault’s panopticon where visibility and surveillance involved close control “and ‘normalization’ of individual behavior through impartial observation and standardized, calculated punishment or correction of behavioral abnormalities” (Hannah 2000: 18). Of course, the uneven power relations in these “houses of terror” are not bounded by the walls of the factory, because the effects of the surveillance and disciplining of workers (or prisoners) also “trickle down” into everyday life.

⁴⁵ Marx has a footnote here that says: “Si le manouvrier libre prend un instant de repos, l’économie sordide qui le suit des yeux avec inquiétude, prétend qu’il la vole.” [If the free labourer allows himself an instant of rest, the base and petty management, which follows him with wary eyes, claims he is stealing from it] N. Linguet, “Théorie des Lois Civiles. &c.” London, 1767, t. II., p. 466. Translated by <http://www.marxists.org/archive/marx/works/1867-c1/ch10.htm#5>. This is also the goal of border patrol by giving the impression of constant surveillance anywhere between official entry points.

As Foucault suggests, one can see similar practices in other institutions, such as schools. School is not only for disciplining children, but it also allows for the external supervision of their parents (Foucault 1977: 211). In other words, the application of the panoptic model creates a form of power that is also complimented by coercive powers, and to exercise this power “it had to be given the instrument of permanent, exhaustive, omnipresent surveillance, capable of making all visible, as long as it could itself remain invisible” (Foucault 1975: 214). The supervisor of the social, the police apparatus, then, becomes a handy tool where security and surveillance can be performed in everyday life.

However, security and surveillance cannot be achieved only through coercive powers. When applied to larger scales, disciplinary powers construct and facilitate social relations where not only police but also people are put to work as part of security and surveillance. To be able to include people in these discursive practices of security and surveillance, people had to govern themselves. Hannah explains that these power relations between people (as biological life) and the state apparatuses (as a political power) shifted towards *bio-politics* where concern was *not only* to the “right to take life or *let* live” but also to “foster life or disallow it to the point of death,” or “power over life” (Foucault 1978: 138, Hannah 2000: 19, 2011: 1036). Then, “bio-power” is the implementation of bio-politics over the population through various state apparatuses—“*dispositifs*.” The implementation of security and surveillance requires not only disciplining but also an art of governing where people can be taught to govern themselves (Foucault 2007, Elden 2007, Douglas 2009, Hannah 2000, 2011). Foucault (2007) traces the historical relationship among sovereignty, discipline and the government, which continuously searches for effective ways to control and administer populations. Foucault

used the word *governmentality* to bring these ideas together. The concept of governmentality includes the state strategies and tactics that aim to control population not only through institutions but also through self-control.

Many geographers have used governmentality in their empirical research. Hannah (1993) examines how the U.S. government used spatial strategies and employed different ways to govern the “uncivilized” Lakota and to “teach” the Lakota how to govern and be “good” subjects. He provides strong evidence for how a system of control based on visibility can be used for spatial and governmental strategies that attempted to assimilate (if not exterminate) Lakota. He argues that “at the core of the disciplinary logic of social control lies a mechanism for the regulation of human activity composed of three ‘moments’: *observation, judgment and enforcement*” (1993: 413 original emphasis). Hannah explains that these moments are important because during the 1870s even the well-integrated citizens in the US were subject to little observation; however, for the native population and for workers in the “houses of terror” these ideas were already being put to work.

Using a more recent example, Mustafa Dikec focuses on the French urban environment. While acknowledging that the constitution of urban spaces certainly has a governmental dimension, Dikec argues, “there is no inherent politics to such constitutions” (Dikec 2007: 279). He claims that although governmental practices are an important component of urban policymaking, different urban policies shape ‘spaces’ and “how these spaces are conceived matters because urban policy conceives of its object spatially” (Dikec 2007: 280). He tracks how French urban policy has changed between the 1980s and the 1990s. Dikec’s argument is important because he recognizes the

significance of urban policy as a governmental practice, and he asserts that in the case of the French experience, each policy and the policy makers conceptualized *space* in particular ways that reflect each specific moment. In the 1980s, the language of urban policy placed immediate attention on self-management and the participation of inhabitants and in the following years, the attention slightly shifted towards the welfare state (2007: 277-283). In this period government policy was applied to areas with high unemployment rates and social housing neighborhoods (mostly immigrant neighborhoods) and in order to increase economic activity, government provided economic incentives and redevelopment projects (2007: 284). More recently, government policy shifted towards the penal state; the main idea was the implementation of the authoritarian state—where security and surveillance can be practiced in those neighborhoods that appear to constitute a threat to French identity. This shift required the strong presence of repressive state apparatuses, such as the police. The contemporary US State also employs similar strategies to control its undesired populations.



Figure 3: “If you see something say something”: These signs are displayed in all train, bus and subway stations that I have visited. The one on the right is displayed on top of the artwork that seems to celebrate the diversity in New York City. Ironically, the artwork shows diverse group of people in NYC subway system (white, black, brown, Muslim, Jew and Christian, etc.) yet US State is asking information from the very same people: “If you see something, say something.” Photographed by M. Coskan.

The US State uses not only repressive state apparatuses such as BPAs, but also lay-people—governmentality at work. “Citizens” are asked to be part of these surveillance strategies that presumably assist the overall “national security.” The US State uses “smiley face tactics,” and urges people to “say something”, if they “see something” (Katz 2007: 351).

As I mentioned above, surveillance is contested because it creates a tension between rights and national security. In terms of rights discourse, surveillance not only violates the freedoms and the privacy of people, but also virtually works to eliminate the material presence of some people in the contemporary US State by excluding certain people from public spaces, deporting them, indefinitely detaining them. And, of course, these spatio-temporal practices never go away without some form of resistance (Douglas 2009, Jones et al. 2011, Mitchell 2000, 2003, Mitchell and Heynen 2009, Staeheli and Mitchell 2008, Pain 2009, 2010, Walsh 2010).

3.5.2 Conclusion:

State apparatuses, in the name of security and the safety of people, are constantly monitoring the day-to-day life of people. As I stated before, particular ideas about border, citizenship, territory, and security push to create discourses that aim to freeze historical, spatial, temporal relationships in order to normalize everyday life. In “national security” discourse, as President Obama (and the presidents before him) repeatedly remind “us,” surveillance is necessary for the safety of the “nation” and/or the “American” people.

However, as recent internal bordering practices suggest, there has been a change in the surveillance strategies of the US State. As I mentioned above, traditional linear and permanent border checks have currently been complimented by fluid, dynamic and temporary surveillance strategies that aim to secure the “nation”. The US State constructs and uses discourses of fear to create a need for surveillance *of* the everyday lives of people. Thus, the US State rationalizes and justifies national security concerns *for* its citizens. The production of the fear of “terrorism and illegal immigration” requires the production of the “terrorist and aliens.” However, one must also consider the security of those individuals who experience fear due to the US State’s security and surveillance practices in and outside of its territory. In an apparent paradox, the expansion of borders has meant the expansion of fear. Pain (2009: 468-69, 2010: 226) explains that since 2001, academia has focused on “globalized fear” and certain geopolitical events that have produced fear, such as the war[s] on terror, “illegal” immigration, spread of diseases and so on. As a result the focus is on the US State and citizens who fear “others,” instead of those “others” who fear the US State and its citizens (i.e. minorities).

There are several ways that one can resist these (uneven) power relations. One way is to look at individual resistances similar to that of de Certeau (1984). For de Certeau individual tactical movements can be seen as resistance, for example, a secretary writing love letters at work during his/her company time or a furniture maker “borrowing” his/her bosses equipment to make a furniture for his/her house (1984: 25) or simply walking on the streets (1984: 97). Hence, while these individual actions are still critical, they are transgressions. Another way is pointed out by Mitchell, who asserts (2000: 153, original emphasis), “in order for a resistance movement to be effective it

must surely be *social* rather than individual.” While acknowledging the different configurations of power, social resistance is where people react as a collective. The struggles for inclusion and equality must continuously resist boundaries of exclusion as a collective.

Discourses of the US State’s security and surveillance practices generate fear of “others” and justify contemporary bordering practices, which one can encounter anywhere; they can be seen at physical checkpoints at the end of state border lines or at unlikely places inside the territory of the US. Thus, my examination of the making of these concepts such as border, citizenship, state, territory, and surveillance involves the history of the US and also of the “aliens.” It is correct but not sufficient to say that these are social constructs, because like border, citizenship, race (and class), border is also a *historical* social construct; it is (and they are) the product(s) of history (Berlin 1998: 1). Therefore, in the next chapter, I scrutinize the historical construction of non-citizens, “illegal aliens” in order to better understand their contemporary predicament.

Chapter 4 – The Production of non-citizen “Aliens” and Whiteness

“‘Whenever an Indian reservation has on it good land, or timber, or minerals’, the Commissioner of Indian Affairs stated in his Annual Report for 1876, ‘the cupidity of the white man is excited, and a constant struggle is inaugurated to dispossess the Indian, in which the avarice and determination of the white men usually prevails’” (Deloria et al. 1999:189).

“Throughout the seventeenth century, black and white ran away together, joined in petty conspiracies, and, upon occasion, stood shoulder-to-shoulder against the weighty champions of established authority” (Berlin 1998:45).

“In the early period, the primary concern of immigration officials was the entry of Chinese who evaded 1882 Chinese Exclusion Act by entering from Mexico. There was little attention paid to Mexicans” (Sánchez 1993: 50).

4.1 The past and the present

As I have suggested in previous chapters, the examination of the past helps us to better understand present relations, policies, practices and their material consequences. In this chapter I explore the link between extermination, annexation of land, and the expulsion of “aliens” in the past and their deportation, detention, and exclusion in contemporary US. A critical and geographical examination of this history of exclusion helps me scrutinize contemporary border policing and immigration policy in the US. I must also note that the history I examine here is selective and therefore it is not a comprehensive review of the highlighted concepts such as “race” and whiteness. My project is not historical geography; instead, I study history in order to make contemporary inconspicuous geographies of border policy and practices visible. That is, this historical incursion is not an end in itself; it is the means to an end. More importantly, this thesis examines the political geography of border policing. Current discursive practices have failed to recognize the importance of socially constructed categories that create exclusion

and inequality. As a result, this chapter is important for this thesis, because it provides a historically grounded answer to one of the key research questions that I ask: in whose interest is the border and the nation secured? The goal of contemporary border policing practices is to track down, arrest and remove those who are not part of US national (and juridical) identity and space. Hence, in this section I examine those who are not recognized as part of US identity and space.

According to a Congressional Service Report (CSR 2008, 2010), during the 1990s the United States Border Patrol (USBP) strategy was focused on “Prevention Through Deterrence.” The principal focus of the border patrol was to install border agents and other resources at specific border locations to prevent the entry of illegal *aliens* between official points of entry (CSR 2010: 4, see also Nevins 2010). However, after the events of September 11, the USBP modified its strategy. In this new “evolved” strategy there are five national objectives. These objectives focus mainly on preventing the illegal entry of terrorists, terrorist weapons (i.e. Weapons of Mass Destruction), illegal aliens and drugs into the United States (CSR 5-6), with the assistance of a variety of surveillance technology and human power. The linking of “aliens” with activities such as border crossing and “terrorism and terrorist weapons” exacerbates the insecurity of those who have suffered and continue to suffer from the ideologies of *whiteness* in the United States.

Kobayashi and Peake examine whiteness and racism in the US and their main concern is the process of “racialization.” They direct our attention to “the material processes and the ideological consequences of the construction of ‘race’ as a means of differentiating and valuing ‘white’ people above those of color” (2000:393). While

understanding this process is important, Kobayashi and Peake point out that as critical geographers, they work to resist constructions of whiteness. Like these two scholars, in this section I focus on the construction of “aliens” and the process of alienation. In other words, I examine the history of those who made “aliens,” and laws and policies that assisted these processes. I demonstrate that while “aliens” and alienation⁴⁶ generate social and spatial exclusion, they serve the interests and the construction of whiteness. And like the geographers and activists mentioned in this thesis (Nevins, Mountz, Kobayashi and Peake, and other scholars), my aim is not only to better understand, but also to resist legal and social constructions of whiteness. The results of these legal and social processes can be observed in the BPAs practices inside the US national space. These practices work to create heavily controlled and surveyed spaces that are exclusionary. The spaces in which these mobile borders are policed become the sites where “good” and “bad,” “citizens” and non-citizens, and “aliens” are made, remade (and contested). I argue that attempting to provide ontological definitions for “aliens,” and “race” not only freezes these terms and people in time and space but also hides and deflects attention away from the ideologies that helped to produce them in the first place. Thus, an examination of contemporary bordering practices must engage with the histories and the accounts of those who were (and are) excluded and labeled as “aliens,” “illegals,” and non-citizens in the United States.

4.2. Brief explanation of the concept of “alien” and whiteness

An “alien” is not an individual of extraterrestrial origin. Nor does the word refer to specific groups of people and their qualities—despite the fact that it is most often

⁴⁶ I use “alienation” to both imply the alienation from the means of production and also from the social, political and economic life and benefits that “others” enjoy.

identified with specific groups of people and their qualities. The concept of the alien changes with social, political and economic conditions. Even from the perspective of the US government, “alien” has had different meanings at different times and spaces. For example, in 1790 “alien” was used to demonstrate who could be eligible for citizenship in the US. The 1790 Naturalization Act states “[t]hat any *alien*, being a free *white* person who shall have resided within the limits and under the jurisdiction of the United States for a term of two years, may be admitted to become a citizen thereof” (Harvard University Open Collections).⁴⁷ However, in 1798, the US government “alien” was used to identify enemies;⁴⁸ and similarly, since 2001 aliens have been linked with terrorism—“they” come to “our land” and *infect* “our” *geography*.

Protecting the “nation’s border” and “our national interest” from outside threats, such as “aliens,” has been the policy of the U.S. government for centuries. The task involves the alienation of those who are recognized as “aliens.” For the US government, the idea of the “alien” and alienation has been used to identify and exclude Chinese immigrants, Mexicans (Sánchez 1993: 50, Nevins 2010: 34, for Chinese also see, See 1995) and Native Americans (Richter 2003). Although Mexicans and Native Americans were incorrectly recognized as “illegal” and immigrants, there is ample evidence that suggests they were made into such on their own land (Sánchez 1993, Hannah 1993,

⁴⁷ (<http://ocp.hul.harvard.edu/immigration/>, emphasis added, accessed December 1, 2011)

⁴⁸ The *Alien and Sedition Act* states “whenever there shall be a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion shall be perpetrated, attempted, or threatened against the territory of the United States, by any foreign nation or government, and the President of the United States shall make public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured and removed, as alien enemies” (http://avalon.law.yale.edu/18th_century/alien.asp, accessed on November 25, 2011).

Deloria et. al. 1999, Richter 2003, Nevins 2010, Zinn 2003, 2007). Hence, following the same logic, one can argue that European settlers came and *infected* Mexican and Native American land and *geography* with their whiteness. In US history, racial difference (or racialization) has been used as a tool to create tension between different peoples, such as poor white servants and African American slaves (Berlin 1998). At other times, it created the conditions for the socio-spatial exclusion of African Americans (Malcolm X and Haley 1967). Racial difference has also made the poor Irish into “white niggers” in Boston (MacDonald 1999). Thus, to be able to find the relationship between poor white servants, poor Irish persons, African American slaves and “illegal” Mexicans, the question should not be about what an “alien” is or what are the “racial differences”⁴⁹; instead, one should ask how and in whose interest these concepts are made and then attached to people. Who reifies and benefits from them and who does not? What are the consequences of the historical materialization of the idea of “alien” for the people who are recognized as such in the contemporary US?

“Alien,” as a social construction, transmits meanings, which are made in relation to other meanings that are also socially constructed—such as the idea of a superior white race and the imagined nation (Horsman 1981, Anderson 1983, Haney-López 2006). The legal and social construction of whiteness is an important part of US history (Haney-López 2006, Zinn 1999, 2003). As the 1790 legislation cited above makes clear, only *aliens* who were free white persons and who met certain requirements were eligible for the rights that come with US citizenship—such as the right to own property and to vote, which are the rights that were granted to white people (Horseman 1981, Berlin 1998,

⁴⁹ For example, Livingstone (1991, 2002) offers a historical geography of how these racial differences were framed in relation to climate research.

Haney-López 2006, Richter 2003, Zinn 2003, 2007). Following earlier laws, in 1798 similar legislation was passed but with tougher requirements—extending the residency requirement for becoming a US citizen. The goal of these tough new laws was—while reaffirming the US as a nation state—to make it difficult for those dangerous “aliens” (at that point, French and Irish) to become citizens and gave the president the power to “deport any alien he⁵⁰ regarded as dangerous to public safety” (Zinn 2007: 250)—non-whites did not have to worry about these laws since they already lacked the crucial ingredient in their skin colour.

If the United States as a “nation” is built on the idea of whiteness, then I argue that the “alien” is *alien to whiteness*. Whiteness in the United States can be seen as the result of the relationship between nation and “race,” a relationship which also produces “aliens.” Consequently, “race,” racialization and racial stereotypes are important in the examination of the “aliens.” Whiteness, however, is more than a skin colour. In other words, it is not necessarily the skin colour *per se* that determines who can or cannot be white (Peake 2009: 247, Gregory et al. 2009: 810). One can be a black, brown or white Muslim or an Italian, Irish or Mexican Catholic but still be treated as an “alien” or a non-citizen depending on time and place. Whiteness can be experienced through religion, gender, sexual identity and class (Haney-López 2006),⁵¹ which make “aliens” an unstable group.⁵²

⁵⁰ As of 2012, there is still no she.

⁵¹ For an excellent discussion of the legal construction of race see Haney-López 2006.

⁵² The US government *estimates* that 11.2 million unauthorized “aliens” reside in the US as of 2010 (CSR 2011). Considering these numbers alone, it would be difficult to say they are a stable group. Nevertheless, BPAs seem to know how to recognize them!

In other words, these concepts are produced and re-produced spatio-temporally by the social relations that are most often shaped by a conflict of interest. These interests are reflected in and through different institutions. Therefore, the construction of both the “alien” and “race” involves governments, laws, mass media, and people. The history of the US is about uneven power dynamics that influence social relations among people. These social relations mask the historical “conflict of interest between conquerors and conquered, masters and slaves, capitalist and workers, dominators and dominated in race and sex” (Zinn 2003: 10). Zinn asserts that the history of the United States is most often a history that is told “from the point of view of governments, conquerors, diplomats, leaders” (2003: 9). Therefore, this chapter examines US history from the point of view of people who became “aliens” in their land or are alienated upon entrance into the US. This history is about a power relationship that involves domination and resistance. The dominant groups have violent means (a monopoly of the means of violence) and non-violent means (the discursive construction of an inferior race) to attach meanings and persuasively (and legally) define what and who *is* “alien.” Nevertheless the relationship is not one-way; there is always resistance (Berlin 1998, Deloria et al. 1999, MacDonald 1999, Malcom X 1999, Morgan 2003, Nevins 2010, Richter 2003, Sánchez 1993, See 1995, Zinn 2003, 2007).⁵³

As will become clear below, my analysis will not follow a chronological order, because “alien” and “race” are particular social constructs and their meanings change over time and space. For that reason, my analysis and examples move back and forth in different times and spaces in history, so that I can trace how “race” and racism have been

⁵³ Therefore this thesis should be seen as part of that resistance.

made in ways that are both similar and different in the United States. Terms such as alien and race are dynamic, partial and changing. They have been made, remade and contested in and through the geography of the US. As a result, my construction of these terms is particular; in other words, they can never be viewed as impartial and objective.

Furthermore, an analysis of these terms requires the recognition of related themes such as class and racial stereotyping. I would argue that concepts such as race and alien are most often, if not always, used as tools to conceal certain social and economic inequalities in the US. In other words, it is a useful (but defective) tool that works to create divisions among classes of people. This is not to suggest that class is more important than “race” (or gender, etc.) or that their relationship is hierarchical. These concepts become tools for “alienation,” especially when institutionalized to serve the interests of whiteness.

4.3. The making of “aliens,” and alienation through “race”

Meyers (2004) suggests that US immigration policy was open and welcoming (with some exceptions) prior to the 1840s (c.f. Nevins 2010:125-26). In fact, the role of the US Immigration Bureau—created by the 1864 Act to Encourage Immigration but later repealed—was “to increase immigration so that US industries would have a sufficient labour supply during the Civil War” (Nevins 2010: 124). After the 1840s, these welcoming policies started to fade away due to social and economic factors such as the racial and religious composition of arriving immigrants, the association of immigrants with external threats and xenophobia, and finally, the economic crisis that produced high unemployment and economic insecurity. Thus, along with other new arrivals, the numbers of Chinese immigrants increased and so did the anti-immigrant and anti-Chinese sentiments and legislations. On several occasions, members of the US Congress

attempted to restrict Chinese immigration. Various US presidents vetoed some of this anti Chinese legislation on the grounds that it violated the United State's Treaty obligations and were not "good" foreign policy (Meyers 2004: 31-32). The main concern for the US government was keeping economic relationships open by employing "good foreign policy" with other countries, such as China. Nevertheless, partly due to nativist pressures and partly to alternative labour supplies, restrictions were put in place in 1882 for Chinese immigrants and others who might become public charges (Meyers 2004, Nevins 2010). Between 1882 and 1924, other regulations were passed to limit, restrict, or make it unlawful to immigrate for certain groups of people.⁵⁴ One of the limitations put in place was the literacy test. Meyer (2004: 33, emphasis added) writes that Senator Henry Cabot Lodge claimed that these tests aimed to eliminate "races whose traditions and inheritances, whose thoughts and whose beliefs are wholly *alien* to ours." According to Senator Lodge, tests should be applied heavily to Italians, Russians, Poles, Hungarians, Greeks, and Asians, and *lightly* on "English-speaking peoples, Germans, Scandinavians, and France" (Ibid). Senator Cabot, who was himself a prominent and wealthy immigrant from Boston,⁵⁵ produced legislation that worked to construct "aliens" by describing "races" of immigrants for whom entry into the US should be made easier.

Similar to Chinese, Mexican Americans had to deal with similar exclusionary practices that worked to make them "aliens." When Mexican Americans were faced with

⁵⁴ For example, Act of 1892-93 extends the Chinese Exclusion Act and prohibits immigration from countries with cholera and infectious diseases. While the 1903 Immigration Act excluded "anarchists, saboteurs, epileptics, and professional beggars," in 1907 economic problems led to the expansion of restrictions that included Japanese immigration.

⁵⁵ For information about Senator Henry Cabot please refer to:
http://www.senate.gov/artandhistory/history/common/generic/People_Leaders_Lodge.htm.

the political and social power of newly arrived Anglo Americans, they relied on networks of family members and other members of the Mexican community in the US (Sánchez 1995: 10-12).⁵⁶ Despite institutional exclusion and socio-political and economic inequalities, Sánchez shows that Mexicans, men and women, families and communities, made economic and social choices for themselves. However, racism and, therefore, assumed racial differences, enabled certain stereotypes that worked against them. Before examining the effects of these stereotypes, we must look at how these stereotypes were created inside US territory by different apparatuses, a process that will become important for the examination of the contemporary border policing later in this thesis.

Nevins (2010) examines historical “origins and struggles between competing social entities” in the border area between the US and Mexico. He describes current territorial states as the “burial sites of history and geography in that they help to mask the dynamic and typically contested making of space and time that they embody” (18). This history that Nevins studies covers notions such as Manifest Destiny, which led to the U.S.-Mexico war during 1846-48, the Chinese exclusion act of 1882, and continues up to recent history. Nevins argues that while both sides of the border shared similar patterns of economic and social development, mostly due to capital from the U.S., over time and through legislation and nationalistic practices, these similarities gradually served to create differences. In other words, the border was established as a geographical entity that not only protected the “nation” from the “aliens” but also served as a zone where the US government practiced its racist policies. For example, in 1917, the image of “dirty”

⁵⁶ Sánchez shatters the depiction of the stereotypical Mexican family structure such as the idea of a male dominated Mexican family. He demonstrates that Mexican families are complicated; they are diverse and each had their own conflicts and/or consensus (1993: 131).

immigrants, in this case, dirty Mexican “aliens” was created at the border. The physical inspection of immigrants from Mexico involved not only the processes of sterilizing and fumigating their clothes, but also included scenes in which they waited in lines, naked, for the inspection of their hairy parts for lice (Romo 2005: 235, quoted in Nevins 2010: 66). Such scenes illustrate the legal practices and immigration policies that have shaped and continue to shape the idea, image and role of the border and border patrol agents. As I mentioned in my review of literature on borders, these discursive practices have normalized not only the ideas of borders and citizens, but also non-citizens and “aliens,” and it has made them legal or “illegal.”

While the image of the “dirty” Mexican was at work at border crossings, Prohibition added insult to injury. During the Prohibition years (1919-1933), Mexican border towns became the main destination for many US citizens and as a result these towns were booming. This economic boom was mainly due to the tourists from the US who were looking for sex, drugs and alcohol (Nevins 2010). However, these activities at Mexican border towns had few positive effects for the Mexicans—such towns were not seen as spaces of freedom. Ironically and as we saw above, the focus of bordering practices was not on the American tourists who traveled over the border for sex, drugs and alcohol, but rather, it was on the Mexicans who arrived seeking work, and who nevertheless were pictured as immoral and dangerous. Although scholars such as Nevins and Sánchez do not point it out plainly, it goes without saying that the Anglo-American tourists were not subjected to the same fumigation, sterilization or physical inspections on the way back to *their homeland*. Such practices were reserved for those who were “aliens” to the white United States. These practices not only constructed Mexicans as

“illegal” on their ancestral land and at the borders (Nevins 2010: 68, Sánchez 1993:62), but also crystallized the stronger position of the Anglo *owners*. The response to Anglo-Americans and Mexicans was not based on their actions but rather on their “race” or ethnicity—the whites were doing “immoral” things such as evading US laws by crossing into Mexico, but they were left alone. The Mexicans were looking for work (or for their family) and were fumigated at the border. On the US side, businesses and employers, despite their racist inclinations, ignored racial differences, because Mexican labourers offered them economic opportunity (Sánchez 1993: 96, 215). Again, the state acts like a buffer to resolve the contradiction that arises between economic interests and the “imagined nation.” As mentioned in the previous section, the state is always partial, unraveling and contradictory. While serving economic interests, it has (and seems to have) the responsibility of protecting its citizens. Hence, the state has to facilitate and resolve the conflict between immigration and economy (Nevins 2010: 31). The state has to fulfill the interests of capital, and at the same time, it has to facilitate the needs and the security of its “citizens”—sometimes through setting check points at the borders and using various surveillance methods, and sometimes through teaching “Americanism.”

After World War I, there were programs created to Americanize or to acculturate immigrants, and there were attempts to make them “100 Per Cent American” (Sánchez 1993:94). In the beginning of these programs, the instructors’ focus was on Mexican men; however, soon instructors realized that their efforts to Americanize these men were undermined by the nature of the Mexican man’s status in the US. The instructors concluded that as seasonal labourers it was impractical, therefore impossible for these Mexican men to use the English language. The solution was to shift the attention from

Mexican men to women and children. These Americanization programs then targeted Mexican women since they believed that women carried the responsibility for creating and passing on values at home; some suggested that the slogan for Americanization should be “go after the women” (Sánchez 1993:96). The possibility of the assimilation of Mexican families (at the expense of eliminating language and “culture”) seemed to be necessary for the protection of “American” national space, identity and values.

In the State of California, the foundations of the Americanization of “aliens” were put to work around 1913 not only to produce aliens but also to distinguish between levels of alienation with troubling inconsistency. The Commission of Immigration and Housing (CIH) was created to investigate the working and living condition of immigrants to California. CIH played an important role in the Americanization and teaching of English to foreigners (Sánchez 1993: 94). Interestingly, the CIH believed that Mexicans did not threaten the American way of life and that the Americanization of Mexican immigrants was difficult compared to Jews and Italians, but still possible, unlike the “unassimilable” Chinese and Japanese immigrants. In the same year that the CIH was established, the 1913 Alien Land Act restricted Japanese land ownership and further extended Asian exclusion (1995: 95). Although legal exclusion was aimed at Asians, some nativists and members of the white American political establishment, academics, media and so on continued to wage war against Mexican immigrants—made up of the “Indian” and the “Negro”—and immigration in general on the grounds of the danger they posed to the superior “white race” (Nevins 2010: 131-2). The legal construction of whiteness was also supported by other sources such as newspapers that created stereotypes for immigrants

(see Romero 2006). Sánchez cites one of these nativists voices in the *Saturday Evening Post* in 1928,⁵⁷

“the endless streets crowded with the shacks of *illiterate, diseased, pauperized* Mexicans, taking no interest whatever in the community, living constantly on the ragged edge of starvation, bringing countless numbers of American citizens into the world with the reckless prodigality of rabbits...” (1993: 96, emphasis added)

Here, one observes that racist ideology mobilizes stereotypes such as “illiterate, diseased and pauperized Mexicans.” They are seen as poor; they multiply like rabbits, and their children will threaten “white Americans”—not to mention the ways that poverty is automatically associated with disease and danger. Another newspaper, the New York Times, published a piece in 1930 that asserts, “it is folly to pretend that the more recently arrived Mexicans, who are largely of Indian blood, can be absorbed and incorporated into the *American race*” (quoted in Nevins 2010: 131). Racism (or racialization) not only produces and stabilizes identities, but it also separates and excludes. Racism, on the one hand, constructs certain people as acceptable and valuable members of the imagined community, and on the other hand, it constructs other people as undesirable and dangerous “aliens.” These fictitious stereotypes are also used to recognize non-citizens today. As I demonstrate in the next chapter, BPAs employ these and other negative stereotypes of the past when they are searching for “illegal aliens” inside US territory today.

Like Mexican immigrants who were framed as nearly or completely “unassimilable,” and were refused basic rights and declared a threat to white Americans,

⁵⁷ The title of the article was “The Docile Mexican” (Sánchez 1993: 295, fn 27).

another group that faced similar exclusionary practices was Native Americans. What makes Mexican and Native American experiences paradoxical is that both became immigrants or “aliens” on their own land.⁵⁸ Most often Native American histories have been told from the white European perspectives. Historian Daniel K. Richter (2003) breaks these traditions; he utilizes oral history, archeological evidence and so on to provide a different geographical perspective. He reverses American history eastward by providing history from the perspective of the Natives (2003:8). Richter shows how both newly arrived settlers and Native Americans had perceived, interacted and constructed each “other.” Richter emphasizes that Native American life was not entirely shaped by the Europeans; in fact, Natives had their own trade relations and routes, struggles, population movements, and wars not only before but also after Europeans’ arrival to the “old world” (2003: 39). In other words, the history of the Native Americans was as complicated as that of the Europeans.

Richter (2003: 14) notes that for Natives “the world was a morally neutral universe of potentially hostile or potentially friendly spiritual forces—some human, most other-than-human—with whom one had to deal. People, animals, and spirit forces were all, in a sense, *persons* with whom one dealt with in much the same way.” According to Richter, Native peoples were not sure what to make of the European visitors. Richter’s descriptions suggest that Natives described these visitors as “woodworkers” or “metalworkers” according to the gifts that they received from visitors during exchanges. The Native’s descriptions were not based on preconceived ideas such as “race” or religion; however, for the newly arrived Europeans this was not the case. The crucifix

⁵⁸ I am not suggesting that the Mexican and Native American experiences were the same.

and flags that were left behind by Cabot and his crew around 1497 may not have meant much to Natives, but for Cabot they were the holy symbols that claimed legal ownership of the land for Cabot's God and his English sponsors (Richter 2003: 13). Here we see an early attempt to displace Natives and their belief systems as inferior to Europeans.

These "explorers" such as Columbus and Cabot (or de Soto or Verrazano) were on a godly mission to search for new resources for their respective empires. They brought not just goods, horses and men. They carried another powerful weapon hidden in their ships and their minds: the ideology of a superior "god" and "race." If these white Christian visitors had perceived Natives as equals, then it would be difficult to understand their reports to royal sponsors in England claiming that they had not seen anyone after they had encountered the Natives. Neither could they have kidnapped a child from an elderly woman and brought it into France just because Verrazano had the "need to bring his sponsor, Francis I, living proof of his exploits and a potential interpreter to aid future travelers" (Sánchez 1993: 13). It is accurate to say that "race" was socially constructed during the encounters between Natives and Europeans; however, the fact is that Europeans brought their problematic ("superior") constructs with them to establish hegemony, which shaped social relations, if not always, then most often violently.



Figure 4: Re-discovery of Old World: The celebration of the (re)-discovery of the (old) new world at the Central Park in New York City. (See <http://www.centralparknyc.org/visit/things-to-see/south-end/christopher-columbus.html>, for detailed information). Photographed by M. Coskan.

Historians suggest that 3-8 million Natives have been killed by disease or murdered by the late “owners” of the land (Zinn 2003). Hegemony, thus, enabled the appearance of whiteness as the norm, and “aliens” became alien to whiteness. Native American uncertainty about the Europeans was not due to preconceived ideas about a superior “god” or “race,” as is often reported, but instead, they perceived Europeans as simply another group of people that they had encountered and had to deal with. It might be true to say that these white visitors were aliens to Natives but not aliens to non-whiteness. Natives, while with uncertainty, entered into social relations with the visitors as equals (Richter 2003). If this were not the case then Mexicans and Native Americans would have been able to describe white settlers similarly to the words of nativists in the *Saturday Evening Post* in 1928 above: White settlers “taking no interest whatever in the

community, living constantly on the ragged edge of starvation, bringing countless numbers of American citizens into the world with the reckless prodigality of rabbits....” However, the historical relationship between Native Americans and the US State is violent and most often based on the alienation of the non-white. Social control was achieved not only by the physical use of force but also by other spatial strategies that aimed to place Native Americans (and others) under the legal control of whiteness (Hannah 1993). As Nevins puts it, the idea of bounded national territory, first, creates the conditions that deny basic rights for those who are recognized as non-citizens, “aliens,” or “illegals.” This secondly, “reinforces status quo” and serves the interest of the privileged. Third and related, such a position that reinforces the status quo and serves the interests of the privileged “makes the immigration debate one of costs versus benefits, which has the effect of reducing immigrants [and others who are made into such] to commodities or investments” (Nevins 2010: 202). In other words, once the idea of US territory was established legally, supported by policy and practiced by state apparatuses, (and the previous inhabitants were removed, displaced, and so “alienated,”) the US territory became a space where non-citizens, “aliens” or “illegals” could be searched, detained and/or deported as if they were property.

The production of “aliens” and racial stereotypes is manifested in power relations. In other words, social relations that are heavily influenced by power relations give meaning to these terms. Power can be relational, diffuse and has many points of contact (Castree 2002:122, quoted in Kirsh and Mitchell 2004: 691). However, this definition of power fails to recognize that few people have access to the state institutions where power is unevenly distributed. Thus, Kirsh and Mitchell (2004: 691) remind us

that as much as power is relational, diffuse, and has many points of contact, “it is also *therefore* “centered”—centered in institutions [the US Army, CHI, Department of Homeland Security, media, i.e. *Saturday Evening Post* in 1928], in individuals [Columbus, Cabot, BPAs], or in *structured* social relations.” Thus when these institutions and individuals are entrenched in *whiteness*, “aliens” become the people who do not conform to the norms that are created for the interests of *whiteness*. What is the relationship between “race” or “racialization” and class? The strong racial divisions and the shift towards strong racial divisions can be traced back to Bacon’s Rebellion (Berlin 1998, see also Morgan [1975] 2003). For some historians, the outcome of this rebellion made the fear and the threat of united lower classes visible; hence it marked a turn from class-based slavery to race-based slavery (Ibid). This shift does not entail an end or a beginning; rather, it represents how “race” masked class relations and also became a tool for exclusion.

Zinn argues above that the history of the US is about a “conflict of interest between conquerors and conquered, masters and slaves, capitalist and workers, dominators and dominated in race and sex” (2003: 10). Berlin’s (1998) examination of the history of slavery in the US provides an example of this conflict of interest. Historically, the extraction of “free” labour and resources played a crucial role not only in the accumulation of wealth, but also for slaves’ lives (and other subordinated groups) in the US. Berlin points out that “race” and class are relational and neither can exist outside of time and *space* and he argues, “if slavery made race,” then, its larger aim was to make *class*” (1998: 5). In his examination of two centuries of slavery, Berlin makes the

distinction between *societies with slaves* and *slave societies*.⁵⁹ In *societies with slaves*, the assumption was that slavery was a fuzzy term since the line between free and slave was not clear. Berlin demonstrates, during the charter generations in Chesapeake, black labourers were one type among many others; whites and blacks worked together so that “racial slavery remained only one labor system among many” (Berlin 1998: 38). Similar to white labourers, black slaves were also subject to harsh treatment—white and black were alienated based on their class. On the other hand, in *slave societies*, slaves were essential to economic production. As a result *African* slavery was maintained as a social order in slave societies. The racial ideology of white supremacy normalized and rationalized the alienation of people of colour “not merely to the base of the life cycle as children, but to the base of civilization as savages” (Berlin 1998:99). The slaves’ experiences could not simply be equivalent to the other forms of exploitation, so slavery implied different meanings in different places and time. According to Berlin, slavery was negotiated between master and slave (Berlin 1998: 33). The recognition of these uneven social relations based on “race” and class is useful for this thesis, because similar patterns are also present in contemporary border policing practices.

Up to this point my discussion has focused on the construction of the “alien” in the U.S. in the past, but it is necessary now to turn to much more recent history in order to suggest that there has been continuity in the alienation of different group of people across time and space. Similar violent, uneven and unjust negotiations around inclusion and exclusion are currently happening in the contemporary US. A discussion of examples

⁵⁹ To examine this process, Berlin identifies three different generations—the charter, the plantation, and the revolutionary generations—and four different locations—one in the North; one in the Chesapeake region; another in South Carolina, Georgia, and Florida; and one in the lower Mississippi Valley.

below that include an Irish Family in Boston and an African American family can help us better understand how the alienation of different groups is normalized in everyday spaces of the city and the nation. MacDonald's (1999) story of his Irish family in *southie* (the South End of Boston) demonstrates how institutional discrimination in the interests of whiteness has worked to create racial division between the Irish and the Blacks. The experiment involved the US government's attempt to mix white and black high school students in response to the civil rights movement. The Irish community was outraged by this decision. However, the outrage was not based on a completely racist foundation, although some racism was involved. According to MacDonald, there was a different reason for their anger. As he writes,

“[w]hen I asked who was trying to send us, someone told me about Judge Garrity; that a bunch of rich people from the suburbs wanted to tell us where we had to send our kids to school; that they wanted us to mix with the blacks, but that their own kids wouldn't have to mix with no one, because there were no blacks in the suburbs” (1999: 75).

The paradox here is that the government tried to mix poor white schools with poor black schools as if this forced mixing would resolve the long history of racial tension between whites and blacks. Both the Irish and the blacks lived in projects that were geographically (and socio-economically) segregated from the wealthy suburbs that were not subject to same mixing. In this way, everyone had their own geography. However, the Irish residents' anger was not entirely about skin colour or so much about segregation; their anger was about the decision by the “rich people,” which compelled underprivileged

groups to mix so that the children in the suburbs would not have to.⁶⁰ How does this example relate to border policing? I would suggest that current legal provisions that have extended the idea of border and border policing into everyday spaces can be ideologically linked to the policies above. These laws and policies have been implemented by the government to secure the nation and protect citizens by focusing on groups of marginalized people—people who have been geographically and socio-economically segregated.

One important part of MacDonald's family story is that it involves how spatially and racially the city and its neighborhoods are divided in Boston. Each time they settled into a new place or just crossed over the boundary of another neighborhood, MacDonald discusses how "race" and racial stereotypes—similar to those *negotiated* between masters and slaves—also moved around the contemporary urban space. For example, when MacDonald's mother was excited about moving out of a mixed to an all-white housing project in South Boston, he demonstrates his confusion by saying that despite the frightening stories, "my own experience had been that we got along much better with the black kids in Jamaica Plain, who seemed to have more in common with us than the other kids with Irish parents" (MacDonald 1999: 51). The tensions between whites and blacks seemed to be hidden behind not only racial ideologies and stereotypes, but also segregated urban spaces (c.f. Wacquant 1996, 2006). Both Irish and blacks were living in separate and isolated spaces of the city but under similar, if not the same, conditions. The

⁶⁰ In the case of "social experiments" of *busings* in Boston, MA, the historical construction of race and racial differences resulted in violent fights and dead bodies of both Irish and Blacks (MacDonald 1999:77, see also Zinn 2003: 467).

terms that carried historical meaning, such as “nigger,”⁶¹ were used to create social and economic differences that alienated black from white or white from “white.” For example, MacDonald writes that the term “white nigger” was applied to the white people who ended up in the D street Projects—the poorest of the poor. Ironically, however, when he passed through the “good” part of town, MacDonald realized that he was also a “white nigger.” It is difficult to recognize the effects of these social constructs in our everyday life today; however, these past relationships do have a non-trivial influence on present relationships. Therefore, “like any other relationship, it is a fluency which evades analysis if we attempt to stop it dead at any given moment and anatomize its structure” (Thompson [1963] 1980: 8). Even though an investigation of these complex social relations in a housing project in Boston seems removed from the border, these experiences are important for the examination of border policing practices that aim to identify citizens and non-citizens—as if these categories exist without any connection to the past. In a manner startlingly similar to moves made after the Bacon Rebellion, the privileges that come with being “White” did not seem applicable to all, because racial differences were used as a tool to conceal the class struggle that in fact, arguably, one of the important causes for the visible segregation in US.

4.5. Is it only about “race”?

This section focuses on recent African American and Irish experiences. I examine how the government plays a role in the daily lives of African Americans. The civil rights movement led by black leaders such as Martin Luther King, ended the legal segregation

⁶¹ Although for some the term “nigger” historically and currently has been used as a racial slur, the deployment of the term by poor white kids here is also used to create racial stereotype.

that was based on skin colour. However, it failed to end the social and economic segregation of people with and without coloured skins (Wacquant 1996). In 1963, black civil rights movement leaders planned a massive protest in Washington. Immediately after, President Kennedy and other national leaders attached themselves to this protest and turned the march into a friendly meeting (Zinn 2003: 457). While Martin Luther King's speech marked the event, the speech failed to explain the anger that some blacks felt. These suppressed feelings—going back several centuries—were exacerbated by the bombing of the black church in Birmingham that killed four girls who were attending a Sunday school (Ibid). It was not King but the black militant Malcolm X who made it clear what happened in his speech two months later. Malcolm's response is quoted at length here, because his explanations are crucial for us to understand why and in whose interest the government needs to control those who do not conform to whiteness.

“The Negroes were out there in the streets. They were talking about how they were going to march on Washington.... That they were going to march on Washington, march on the Senate, march on the White House, march on the Congress, and tie it up, bring it to a halt, not let the government proceed. They even said they were going out to the airport and lay down on the runway and not let any airplanes land. I'm telling you what they said. That was revolution. That was revolution. That was the black revolution.

It was the grass roots out there in the street. It scared the white man to death, scared the white power structure in Washington, D.C. to death; I was there. When they found out that this black steamroller was going to come down on the capital, they called in ... these national Negro leaders that you respect and told them, ‘Call it off,’ Kennedy said. ‘Look you all are letting this thing go too far.’ And Old Tom [MLK] said, ‘Boss, I can't stop it because I didn't start it.’ I'm telling you what they said. They said, ‘I'm not even in it, much less at the head of it.’ They said, ‘These Negroes are doing things on their own. They're running ahead of us.’

And that old shrewd fox, he said, 'If you all aren't in it, I'll put you in it. I'll put you at the head of it. I'll endorse it. I'll welcome it. I'll help it. I'll join it.'

This is what they did with the march on Washington. They joined it... became part of it, took it over. And as they took it over, it lost its militancy. It ceased to be angry, it ceased to be hot, it ceased to be uncompromising. Why, it even ceased to be a march. It became a picnic, a circus. Nothing but a circus, with clowns and all...

No, it was a sellout. It was a takeover. ... They controlled it so tight, they told those Negroes what time to hit town, where to stop, what signs to carry, what song to sing, what speech they could make, and what speech they couldn't make, and then told them to get out of town by sundown...." (Zinn 2003: 457-58).

The prescient points that Malcolm makes here carry implications that are not limited to the civil rights movement. He explains how protests are controlled and made friendlier in contemporary US "democracy." Mitchell's (2003) and Mitchell and Staeheli's (2008) work testifies that dissent is made safe for [*white*] democracy by controlling the content (place, time and manner) of protests and increasing the use of the police force. Malcolm's points about controlling protests or dissent can be extended to the idea of the control of the movement of "aliens." Contemporary borders and border policing invade everyday spaces to control the contents of the everyday lives of people through legal as well as non-legal discourses and practices. BPAs search for "aliens" who *are already* part of the US national imaginary. The foundation of these practices goes back centuries in the history of North America. For the US as an apparatus, the ideological foundation for these practices goes back to the 1790s alien legislation where the president was given the power to deport any "aliens" deemed as dangerous to public safety. Centuries later, "national interest and national security" continues to trump a "public" interest, which would include citizen, non-citizen and "aliens." Similar practices are implemented to

control dissent's voices and make the variety of "public" and private spaces of the city "safer" for democracy but not for others such as "aliens."

Zinn argues that Malcolm was correct and that Kennedy and others tried to pacify the black movement but that these attempts were not successful (Zinn 2003: 458). The voting rights did not erase or eliminate the whiteness (or slavery) embedded in the US and also did nothing about the economic alienation that blacks were facing. For example, in 1963 the unemployment rate for whites was around 4.8 percent whereas for non-whites it was 12.1 (Ibid). Since then not much *progress* has been made. According to the US Department of Labour statistics, as of November 2011 the unemployment rate for white males over the age twenty is 7.3 and for white women 6.9 percent. In contrast, for black men the rate is 16.5 and for black women 12.9 percent (USDOL 2011).⁶²

Black (and white) people revolted against these gross inequalities all over the US (Zinn 2003: 459-60), and the US government reports presented reverse racism as the cause of the problem. For example, a report by the National Advisory Committee on Urban Disorders explains that riots "involved Negroes acting against local symbols of white American society" (Zinn 2003: 460). However, as Zinn asserts, the revolts were against the "symbols of authority and property in the black neighborhoods" instead of entirely against white people—the Irish gave similar reactions to the busing and mixing of poor black and white students. These resistances are against institutions that are put in place in the economic interests of whiteness; they are not about the so-called racial differences between white and black. On the other hand, the differences built into social and economic institutions, therefore everyday life, give the impression that such conflicts

⁶² (http://www.bls.gov/news.release/empst02.htm#cps_empst_a02.f.1, accessed on December 7, 2011).

are about “race.” For that reason, one must attend to the juxtaposition of Malcolm’s and MacDonald’s personal stories which reveals that inequality and alienation are not only about so-called race, but are also about the class positions of subjugated people.

For the other alienated groups and for Malcolm, distrust of whiteness did not happen over night, and for him it seems that whiteness was always there and working particularly well against black people (Malcolm X 1999: xxvii). Before Malcolm’s birth, his parents faced racism both from the Klu Klux Klan and from the US government. As Malcolm explains, the welfare agents periodically visited and questioned his mother to determine if she was eligible for support. Interestingly, one can observe the presence of the welfare people in MacDonald’s Irish family in Boston. The welfare people questioned how Malcolm’s mother, a single black mother with eight kids, could possibly raise a family (Malcolm X 1999: 12-4). Ironically, however, the assumptions of the welfare people were the same when they visited MacDonald’s Irish family (1999: 33). How could MacDonald’s Ma, a single Irish (white) woman with eight kids, possibly raise a family? Both Malcolm and MacDonald’s experiences raise questions about the relations between “race” and class. Here my goal is not to provide a comprehensive scholarly analysis of these concepts; instead, my goal is to make these inconspicuous tensions that are part of everyday social relations, visible.

For Malcolm, racial tension between white and black was always present, but arguably he transformed after his visit to Mecca—where he discovered that the problem was not only about “race.” He understood that the “white man meant *specific attitudes and actions* toward black man, and toward *all other non-white men*” (Malcolm X 1999: 340, emphasis added). In other words, whiteness is not about skin colour; rather, as

MacDonald's family story also demonstrates, it is an ideology that hides behind other social relations to pursue particular interests. The goal is to be able continue social, political and economic hegemony. Hence, whiteness as an ideology creates "race" and racial differences and uses state apparatuses as a tool to normalize exclusionary relations. As I demonstrate later in this thesis, the state agents—including BPAs—are trained to represent and serve precisely this long-lived ideology.

4.6. Contemporary "aliens"

The US State, politicians, government institutions and the media work to control (always imperfectly) social, political, and economic relations among people (Gilmartin 2009: 19, Mountz 2006: 460). Hence the state (has to) acts as a buffer between different interests (Althusser 1972). The conflict between national/economic security and the "public" interest, however, is a source of contradiction that the US State has to reconcile. National and economic interests, most often in the name of "national" interests prevail. The state apparatuses (*dispositifs*) such as educational institutions, the mass media and state bureaucracies reflect these interests. Thus, one might be able to scrutinize the divide between citizen and non-citizen (i.e. "illegal aliens") by looking at examples of these reflections to see whose interests are better served.

For nine-year-old potential "citizens" and non-citizens in Gwinnett County, GA, a multiple-choice question on their homework assignment called "What is an illegal alien?" by Brenda B. Covert (Rowson 2011) reflects some of these interests.⁶³ These students learn about "illegal aliens" in the classroom and at home. The story line before the one of the multiple-choice questions prepare nine-year-old students to recognize the differences

⁶³ The test is created by edhelper.com.

between citizen and “illegal alien.” According to the assignment, Sam was playing with his pet in the back yard and Taylor called Sam and asked if he could come and play with Sam. After confirming with Sam, Taylor walked towards Sam in his backyard. Taylor “swung the gate open”, entered Sam’s back yard, and closed the gate behind him (Ibid). While they played, a third boy, who heard Sam and Taylor having fun, jumped over the fence into Sam’s backyard and shocked both Taylor and Sam. To make a long story short, Sam’s mother came and told the third boy to “go home” and sent him back through the gate rather than letting him “scramble back over the fence.” The story is followed by a definition for “illegal alien” and then a series of multiple-choice questions. The definition states, “An alien is a person from another country. An illegal alien is a person who comes to another country without permission. It is also a person who was allowed to be in the country for a while but who didn’t leave once time was up”(Ibid).⁶⁴ The first point is that if one were to accept this definition as it is then the US government and US citizens would have had to seek permission from Native Americans. As I demonstrated above, starting with Columbus and later with others, they did not seek permission to enter into the already discovered land.⁶⁵

⁶⁴ There is also an illustration of a person sneaking behind the fence.

⁶⁵ There are some instances when the US government sought permission to enter and hence signed Treaties with Native governments. However, a nation proud of calling itself a “nation of laws” even today refuses to recognize its own treaties with sovereign Native governments. The Treaty of Fort Stanwix (1784) was one for which founding father George Washington, himself, sent a delegation to ask for peace between the two nations. The Treaty of Fort Stanwix affirmed that the Haudenosaunee and the United States are two separate nations and established a federal boundary to prevent further settlements. The Treaty of Fort Harmer (1789) re-affirmed that the Haudenosaunee and the United States are two separate sovereign nations. In addition, Federal boundary lines were re-affirmed to prevent further loss of land, so that there would be peace and friendship between the two nations. The Canandaigua Treaty of 1794 re-affirmed that the Haudenosaunee and the United State are two separate nations (for more please refer to

The second point I will make is directly related to the multiple-choice questions in the assignment. While all of these questions work to solidify the distinction between a privileged citizen and an underprivileged non-citizen, question number six requires particular attention. The question asks,

What does the U.S. do with illegal aliens?

- A. The U.S. puts them to work in the army.*
- B. The U.S. shoots them into outer space.*
- C. The U.S. puts them to death.*
- D. The U.S. sends them back where they came from.*

The correct answer appears to be “d” (Ibid). However, in reality, there are two correct answers here. The Congressional Research Service report (Haddal 2010: 25-7) admits that the implementation of “Prevention Through Deterrence,” which forced immigrants (“illegal aliens”) into “harsh conditions on the Arizona border,” has increased the number of immigrant deaths around the border. Jimenez (2009: 17) shows that between 1994 and 2009 approximately 3800-5600 immigrants died (unremarked) while trying to cross the border. In addition to these deaths, eight people have been killed since 2010. Anastacio Hernandez-Rojas was one of those people who was beaten, tasered (instead of extensive heat and dehydration) and killed by dozen of border patrol agents with an electric stun gun according to eyewitness accounts and a video taken at the scene (Epstein 2012). Eyewitnesses stated that Hernandez-Rojas “offered little or no resistance” (Ibid). Based on this evidence, one could in fact select the option “c” that reads “the US puts them

“Complaint for declaratory judgement” between the Onondaga Nation v. State of New York by Robert T. Coulter, Josephy J. Heat and Curtis J. Berkey, <http://www.indianlaw.org/node/100>). I also had the privilege of participating in a mock court case with the Onondaga Nation’s Lawyer Joseph R. Heat. He presented Onondaga Nation’s claims for students at Syracuse University.

[“illegal aliens”] to death.” But more importantly, the students and their parents (and the general public) are exposed and perhaps learn to recognize and exclude others.⁶⁶

The mass media and businesses also work to normalize the idea of “illegal aliens” but they play a paradoxical role. Unauthorized immigrants are crucial for the reproduction and expansion of capital and the development of businesses. The owners of capital (who are very close to the centralized powers, i.e. the US State) *appear* to support and promote strict border security and immigration control policies, while they push for open borders (Andreas 2009, Nevins 2010). Most often, businesses find ways to recruit (in or outside the US), hire, and receive benefits from “illegal” immigrant’s labour. According to Isabelle MacDonald’s year-long investigative journalism in 2010, one of the popular media figures that has benefited from “illegal” immigrant labour is Lou Dobbs. Dobbs “has relied for years on undocumented labor for the upkeep of his multimillion-dollar estates and the horses he keeps for his 22-year-old daughter, Hillary, a champion show jumper” (MacDonald 2010: 1). Dobbs is the media icon that is best known for his rage and hateful comments against “illegal immigrants.” He is currently “the host of Fox Business News’ Lou Dobbs Tonight” and Dobbs also provides business

⁶⁶ In another occasion, parents from Gwinnett County, GA complained about their children’s third grade math assignment. The math assignment was designed around the topic of slavery. Gwinnett County School District spokesperson stated, “we understand that there are concerns about these questions, and we agree that these questions were not appropriate.” However, she added, “teachers were trying to do a cross-curriculum activity.” (Katrandijan 2012). Some of the questions in the assignment were: “Each tree has 56 oranges, if 8 slaves pick them equally, then how much would each slave pick?” Or “If Frederick got two beatings per day, how many beatings did he get in 1 week? two weeks?” (ibid). There are not historical references in this cross-curriculum assignment. There are no references about who did the enslavement, which groups of people were the slaves and who benefited from centuries of slavery in the US. Similar to the “illegal immigrant” assignment, students are instructed to learn particular knowledge; the knowledge that will benefit the interest of “whiteness” in the US.

reports for “nationally syndicated radio reports daily.”⁶⁷ His rage in popular media reached over “800,000 viewers and helped him collect \$6 million dollars a year,” while “illegal” immigrants were working twelve hours a day to keep up Dobbs’ estate and his horses. Yet, these images solidify the position of immigrant workers as illegal and thus deny basic human rights, since they lack citizenship. As I argued in chapter three, the line between citizen and non-citizen appears to be an ambiguous one. However, the popular media in the form of figures like Dobbs (and the educational institutions referred to above) eliminates this ambiguity by crystallizing the image of some immigrants as unlawful and illegal. Furthermore, they also contribute to the conditions under which immigrants are stripped off their humanity, or become less human when compared to “citizens” (see Nevins 2010: 202). Also, not to mention, one can call himself a “good” law abiding citizen while forcing immigrants to work twelve hours a day. Preaching exclusion and hatred towards non-citizens through mass media and portraying them as unlawful significantly influences social relations. More importantly, when these apparatuses come together such as government agents, schools, and media, they can become much more effective for creating categories and shaping social relations. Dobbs might not be a representative of the government. However, there are others in the US government, Rep. Sensenbrenner, who work to create anti-immigrant legislations and at the same time benefitted from immigrant labour. While creating anti-immigration legislation in the US, Rep. Sensenbrenner’s family business eliminated the organized work force and thus created the conditions for people to migrate into the US (Bacon 2007).

⁶⁷ Dobbs also wrote a couple of books. For more on Dobbs, see his website www.loudobss.com.

Rep. Sensenbrenner was the architect of the failed⁶⁸ immigration bill HR 4437. In HR 4437, Rep. Sensenbrenner tried to criminalize immigrants and those who aid them (Staeheli and Mitchell 2008). According to Bacon, aside from working for government, Rep. Sensenbrenner is also a businessman and an important shareholder in Kimberly Clark—the company that his grandfather created, and today it is one of the largest paper companies in the world (Bacon 2007: 57). The company, which has a counterpart in Mexico, has a close association with mining giant Grupo Mexico, which during the 1990s crushed the unionized mining work force and eliminated approximately 3500 jobs. Workers were also blacklisted and as a result “left for the other side” (Bacon 2007: 58).⁶⁹ Bacon points out that every year recruiters from companies like Kimberley Clark recruit people from Mexico and Central America through the guest worker program. Instead of hiring local labour in the US (which costs more), the company can significantly reduce their labour cost (variable capital), and thus produce cheaper products. Surely, it is not Rep. Sensenbrenner or his family who created this social and economic system. The system eliminates organized work forces in other countries, then blacklists them, and leaves workers with few options but to migrate in order to survive. And when these workers choose to migrate, they die, or survive but get caught up in anti-immigrant legislation, institutions and troubling perceptions. Yet, both Kimberly Clark as a company and Rep. Sensenbrenner as a government official enjoy the benefits either way.

⁶⁸ Legally failed, but successful in two opposing ways. The failed bill certainly contributed to the expansion and the domination of anti-immigration discourse in the US. At the same time, the bill also helped to unify citizen/non-citizen immigrants (over 500.000 thousand people) to protest this bill (http://www.pbs.org/newshour/bb/latin_america/jan-june06/immigration_4-10.html).

⁶⁹ Bacon asks “where did he [Rep. Sensenbrenner] think they [3500 black listed workers] would go?” (Bacon 2007: 58-9).

All of these narratives, from Columbus to African slaves, Chinese to Mexicans, Irish to African-Americans are important for the production of “aliens” and alienation, and consequently for this thesis since my aim is to research and examine the US State, territory and territoriality, and the state apparatus that recognizes “others” and practices border policing within 100 miles of the international border. The dialogue between these descriptive accounts points to certain similarities across time and space that work to create pseudo differences such as “race,” and to the apparatuses that work to normalize, exclude, segregate and alienate.

4.7. Conclusion

In this section, I examined “aliens” and those alienated in relation to what they are alien to, namely, *whiteness*. I demonstrated that whiteness is not a skin colour but an idea (racialization) that works to create images for “aliens” and at the same time images for the nation, which are always in flux and defined by the struggles and relations between people day in and day out. As a result of this fluidity, I suggest that ontological definitions of “race” *are* not possible and do not tell us much about the relations and struggles that produce it in the first place. Although my focus was on the production of “aliens” and the legal construction of “race,” tracing these terms was not possible without including related themes such as racism, racial stereotypes, class, and so on. Based on the discussion above, the making of “aliens,” race and racism, when institutionalized, does not serve the interest of underprivileged, regardless of their “race.” “Race” has been and continues to be used as a tool to hide other social and economic inequalities that people face—regardless of their skin colour. I started this chapter with the juxtaposition of three different quotes to demonstrate how a number of historical social constructs work to

divide people and serve particular interests. Deloria shows how, by whom, and in whose interest the land, minerals and other resources have been taken away from people. In a related context, Sánchez points to the unraveling quality of the US State, and demonstrates that the very laws and policies that aim towards particular groups at one point in history, at a later date, can be useful for excluding others.⁷⁰ Finally, Berlin writes that black and white work together against the established authority, yet the discussion above suggests that the idea of “race,” and the process of racialization and social and economic interests have created strong divisions that reified African Americans as slaves, and “elevated” the social and economic position of “whites.” As a result, the power of the collective has been weakened as *social resistance* against the established authority.

However, these complex relations do not mean that the discussion of class and “race” is not important or that skin colour does not matter. On the contrary, it matters. It matters on the border crossings, or in parks, downtown, campuses or churches. These historical constructs influence the everyday and have material consequences for those people who are deemed “aliens” and recognized as not part of the US national space and imaginary. The examination of contemporary border and bordering practices is directly related to these social and legal constructions; therefore, a critical examination of invasive borders must keep these histories in mind when examining the contemporary.

⁷⁰ Another example would be, linking “illegal aliens” with “terrorists.”

Chapter 5 – Invasive borders and BPAs border policing practices on the northern border

5.1 US Border Patrol and the Agency's Survival Strategy

The previous chapter focused on a historical discussion of how the laws and policies of the US State constructed certain groups of people as non-citizens and “aliens” (or made them into non-citizens and aliens) in the US. As the historical examples above suggest, the idea of, and the line between, citizen and non-citizen (or “alien”) was not always clear. Therefore, I argued that “aliens” were alien to whiteness. Although still important, the main question is not about who is a citizen or non-citizen or “alien.” Instead, the main question is which group of people has the ability to influence and (can work to) control state apparatuses (*dispositif*), which have the means to normalize and establish who is a citizen or who is a non-citizen or “alien.” The normalization process involves putting ideology into practice and making it a discourse with the use of *dispositifs*, which can effectively influence the everyday lives of people. Consequently, government institutions such as the border patrol are crucial for not only putting particular interests and ideas to work and for enabling and distributing exceptionalism, expansionism and capitalism, but also for making these interests and ideas into the “normal” in everyday life. Similar to the normalization process of citizen and non-citizen, when invasive border policing is normalized in the eyes of the general public, it appears that only then the nation and “our” geography can be secure. Once these institutions and policies create exclusion and once they are put to work, it is easier to deny basic rights and turn human beings into “illiterate, diseased, and pauperized” and/or dangerous terrorist aliens.

The focus of this chapter is, then, on the border patrol, its current policies and its invasive border policing practices. What was and is the role of the border patrol? How has it survived, and how does it continue to survive in the present and into the future? What are BPAs doing within 100 miles of the northern border? In order to answer these questions I briefly examine the border patrol institution to understand its internal structure and to see how it has changed (if it has changed at all) in order to exist as an institution. This examination can help us to understand how the US Border Patrol Agency as an institution works to “secure” the “nation” and national interests and how BPAs recognize (detain and remove) citizen from dangerous non-citizens, “aliens,” “illegals,” “terrorists” and so on. Literature on the history of the US Border Patrol mainly focuses on the US-Mexico border (Sanchez 1993, Nevins 2010, and for more comprehensive coverage of the border patrol on the southern border please refer to Hernandez 2010). A few other scholars focus on the US-Canada border, but little attention has been paid to recent border patrol practices on the northern border. Thus, as a political geographer, my work here is to fill this gap with my research and contribute to the expansion of geographical thought. Before I examine the border patrol of today, it is important to explore the developments that led to the creation of the border patrol.

According to the CBP website, the official and institutional form of border policing and border patrol dates back to the early twentieth century. By 1904, the Mounted Watchmen or Mounted Guards, as part of the US immigration Service, policed the southern border to prevent illegal crossings (CBP, Border Patrol History).⁷¹ As I discussed in previous chapters, US immigration policy appeared more welcoming (with

⁷¹ For more information about the US Border Patrol and agents see National Border Patrol Museum, <http://www.borderpatrolmuseum.com/history/border-patrol-history.html>.

some exceptions) prior to the 1840s (c.f. Nevins 2010:125-26). Hence, the territorial expansion was mainly achieved through the use of military powers instead of other apparatuses that openly practiced territoriality to protect US borders. However, after the 1840s, these friendly policies started to change and started to display the internal contradictions that we see today. Some of the factors that changed these friendly immigration policies into less friendly ones included the composition of the newly arriving immigrants, increased association of immigrants with external threats and xenophobia, and finally, periodic economic crises. The crisis of 1854-55 and 1857-58 and other developments can attest to the above notions. During the crisis years, the nativist movement, “Know Nothing,” was successful in gaining representation in the US Congress. They worked to create xenophobic, anti-Irish and anti-German sentiment for the general public (Meyers 2004: 29-30).⁷² Following the 1860s and 1870s, the economic and geographical expansion of the US State and the labour needs of industrial capitalists required more immigrants in agriculture, mines, iron and steel and railroad construction (Meyers 2004, Nevins 2010). The interests of economic expansion (and thus capital and capitalists) found a way to advance under the name of “national interests.” It seems that although the economic benefits of new immigrants’ labour were essential for national interests, these immigrants also pose a danger to the unity and purity of the (white) nation. Xenophobia and anti-immigrant policy and practices slowly and gradually increased. Consequently, the need to secure the nation’s borders from these outside threats also gained further importance.

⁷² Perhaps, “Know Nothing” lost its fame and representation in the Congress in 1856, but their ideology continues to live and reappear in the form of the “Tea Party” movement.

It appears that both the border patrol (Mounted Guards or Watchmen) and the language of securing the nation's borders came to life at the same time that economic expansion and anti-immigration ideologies were at one of their peaks. These Mounted Guards practiced territoriality and assumed the role of protecting the space between US and Mexico, and Canada. Although the Mounted Guards mainly operated around some parts of the southern border, their main goal was to stop Chinese immigrants. According to the CBP their numbers were never more than seventy-five until 1915. Congress established the Mounted Inspectors in 1915; these patrolmen were called Immigration Inspectors and were stationed at particular locations—thus they could not watch the border at all times, rather, it was the military troops' mission to patrol borders (Border Patrol History). Although inspectors were equipped with extensive arrest authority, these inspectors were also essentially focused on Chinese immigrants. According to the CBP website, immigration was not always the main concern for the agency during the early years of the twentieth century. For the US State, interception of “enemy” communications and customs violations were more important than immigration (Ibid). Hence, the inspectors became aware that their efforts were unproductive since there were no border enforcement points between inspection stations along the Mexico border. In a written statement to the Commissioner-General of Immigration in 1918, Supervising Inspector Berkshire seems to have created a need for a new organization. He suggests:

“if the services of men now being drafted cannot be separated for this work, it may be that the various departments *vital*ly interested would give favorable consideration to the formation of an *independent organization*...properly equipped and trained, made up of men, would guard the border more effectively against all forms of lawlessness than a body of soldiers of several times the same number...” (Border Patrol History, emphasis added).

The goal is to establish the institution. Once established, one observes, like any other institution, the imperatives of institutional reproduction at work. In order to protect the institution and the border patrol jobs, the agency had to create different needs and/or attach itself to the needs of US State.

Inspector Berkshire made an effort to create needs; the passage of Prohibition and the new quotas on immigrants in 1921 and 1924 assisted his efforts and placed further attention on the border patrol. These simultaneous developments, the Quota and Prohibition, made the border patrol more useful and significant in the eyes of US government officials. Hence, through the Labor Appropriation Act, on May 28, 1924, the United States Border Patrol (USBP) was officially created to secure “our” borders (CSR 2008) *between* points of entry—later its role expanded to the seacoast (Border Patrol History, emphasis added). Up until recently, the border patrol was part of Immigration and Naturalization Service (INS). The number of agents was around 450 during the beginning years, which included Mounted Guards and other policing agencies. While the immigration acts of 1921 and 1924 made USBP possible, this legislation also introduced racial purity and made a stronger connection between the idea of the “alien” and “race” (Nevins 2010:127).

From this point forward, the number of border patrol agents continued to expand and the border patrol worked to address the needs of various government policies and programs. Up until the end of Prohibition, Patrol Inspectors⁷³ played an important role in apprehending bootleggers on both sides of the border, whereas during WW II, BPAs

⁷³ According to the Border Patrol Museum website, up until the 1970s, agents were referred to as Patrol Inspectors. The name was changed to Patrol Agents in 1970 by the Department of Justice who took over the Border Patrol in 1940. For more see: <http://www.borderpatrolmuseum.com/about/did-you-know.html>.

“provided tighter control of the border, manned alien detention camps, guarded diplomats, and assisted the US Coast Guard in searching for Axis saboteurs” (Border Patrol History). In other words, the role of the border patrol was re-defined and hence the agency has survived by trying to answer different needs of the US State. During WWII, the Chinese Exclusion Laws were repealed, and there was no reason, at least officially, to exclude our “ally” Chinese any longer (Nevins 2010). However, the Japanese were not an ally, they were enemy. Hence large numbers of Japanese Americans were put into internment camps. Consequently, border patrol agents were used to transport and guard some of these internment camps (Hernandez 2010: 103).

Once the threats that came with the War faded away, border crossings from the southern border became an important problem again. Mexican immigrants no longer crossed the border as easily as they had before the 1920s, because the link between Mexicans and “aliens” had become stronger. In 1952 legislation (during the “second red scare” years), border patrol agents were given the authority to “board and search” vehicles for illegal immigrants anywhere in the United States; however, the main focus was on the Mexico border (Border Patrol History). In fact, sixty-two Canadian border units relocated to the Mexico border to assist US government’s repatriation of Mexicans in the south (ibid). The trend of linking Mexicans and immigrants with “illegal” continued during the 1960s and 1970s. The Supreme Court case in 1976, *United States v. Martinez-Fuerte* (*United States v. Martinez-Fuerte*, 428 U.S. 543 [1976]) solidified and, in effect, officially allowed racial stereotyping of Mexicans. The Supreme Court ruling allowed border patrol agents to detain motorists of Mexican descent and to search their vehicles at fixed checkpoints near the border (in addition to physical border checkpoints).

The dissenting opinion warned that this decision would open a precedent and these bordering practices “inescapably discriminate against citizens of Mexican ancestry and Mexican aliens lawfully in this country for no other reason than that they unavoidably possess the same ‘suspicious’ physical and grooming characteristics of illegal Mexican aliens” (Ibid). The prevailing decision argued that these (Mexican) motorists are close to the border, hence, these cars were more likely to transport illegal aliens. In other words, the line between citizen and non-citizen, or legal and illegal can be determined by recognizing Mexican appearance. While the decision made racial stereotyping legal, another and perhaps unintended consequence or interpretation of this decision may be that this legal precedent provided job security for border patrol agents. To be able to survive, the border patrol, like an invasive species, attached itself to the needs of the US government. The border patrol agents worked as immigration officers, enforced anti-Chinese immigration laws, transported “enemies” and guarded Japanese internment camps. Over time, they *learned* to recognize “aliens.” And the job security that such recognition afforded.

After 2001, the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism” Act, or for short the USA PATRIOT act once again provided the groundwork for new authoritative powers for the border patrol. This act facilitated a shift in focus for various government agencies, including the border patrol, to look for terrorists, terrorist weapons, drugs and illegal immigrants inside (and outside) US territory. The Border Patrol readjusted its overall focus and modified its priorities with a stronger emphasis on preventing the entry of terrorists and terrorist weapons (CSR 2008, 2010). This new focus enabled BPAs to receive different

authoritative powers, which make up the underlying causes of their current contradictory border policing practices. Once part of the INS, the USBP is currently connected to Customs and Border Protection (CBP), and CBP operates under the Department of Homeland Security (CSR 2004, 2008, 2010). As I mentioned above, the main objective of the border patrol has expanded from preventing unauthorized aliens and now includes preventing terrorists and terrorist weapons from entering the country (CSR 2008, 2010, NPS 2012-2016). There is a difference between CBP inspectors and USBP agents. CBP's focus is on overall border enforcement. Hence CBP inspectors work *at* points of entry and are responsible for "conducting immigrations, customs and agricultural inspections on entering aliens." (CSR 2008: 1). The USBP agents, however, work *between* points of entry—they have no official role at points of entry. Section 287 of the Immigration and Nationality Act (INA) provides border enforcement powers to BPAs. The INA provides immigration officers the statutory "authority to, without a warrant, interrogate aliens, arrest, conduct searches, board vessels and administer oaths" (CRS 2004), along with "broader statutory authority to make arrests for any felony cognizable under the laws of the United States" (CSR 2004, 2008). These Federal regulations provide legal authority for BPAs, but more importantly, they provide them with the capability to control spaces between entry points and to work to gain operational control of the border. As immigration officers, agents were permitted to "board and search all vessels 'within a reasonable distance' of the border and have access to private land, but not buildings, within 25 miles of the border." Currently, federal regulations define reasonable distance as 100 air miles for BPAs (CSR 2008: 29).⁷⁴

⁷⁴ CRS report suggests that Border Patrol district directors can petition the Commissioner

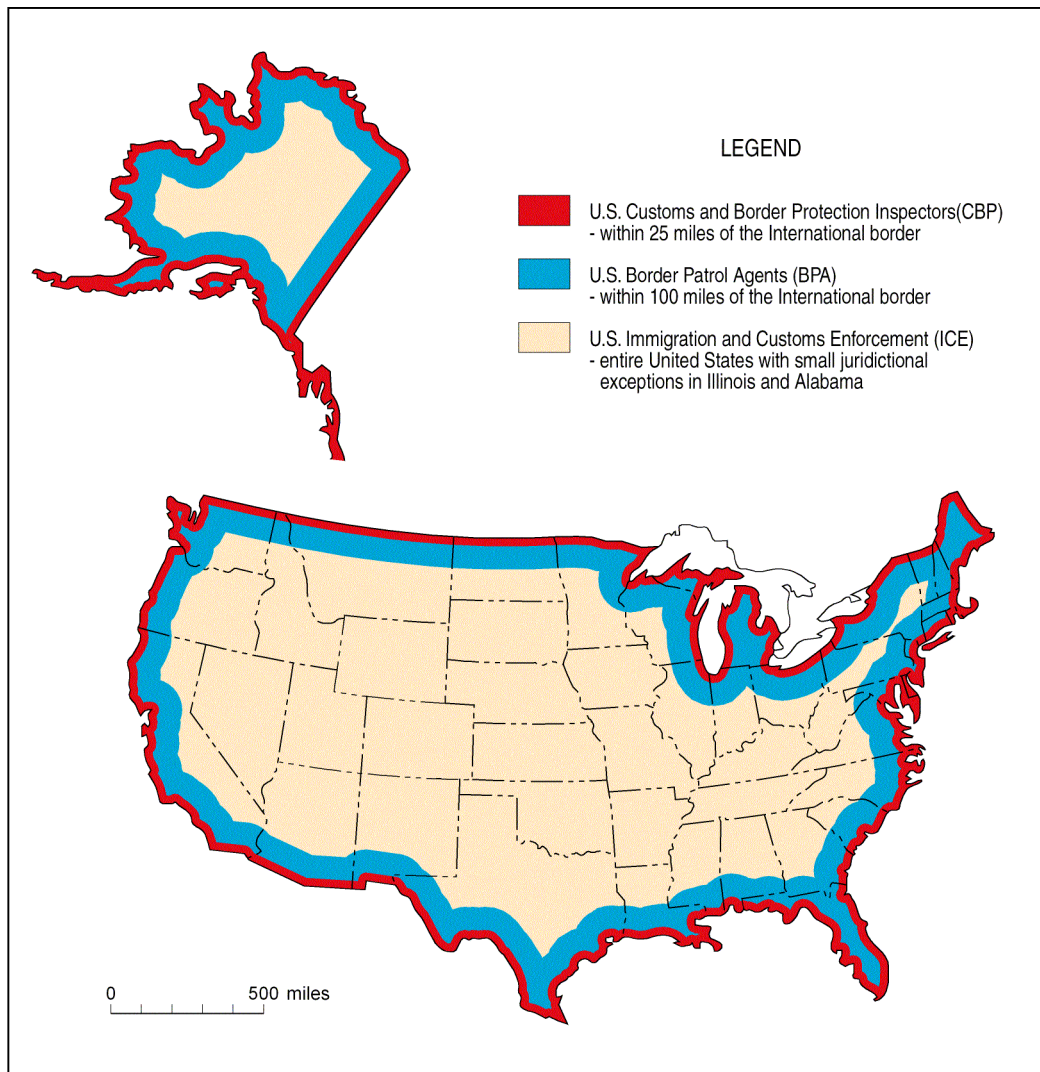


Figure 5: The Legal Extension of the Internal Border Policing (CSR 2004, 2008, ICE Secure Communities “Activated Jurisdictions” 2012). Cartography: Loris Gasparatto.

In other words, BPAs are able to board vessels, transportation hubs, parks, downtowns, churches, stores, laundry mats, conduct searches, and interrogate “aliens,” within 100 miles of the border. According to ACLU report in 2009, “nearly 2 out of 3 Americans (197.4 million people) live” within 100 miles of a border, and hence are subjected to these contemporary practices. Yet, not everyone experiences these border policing practices the same way. In what follows, I provide a discussion of the ways that

to extend the reasonable distance in special circumstances (CRS 2008: 29).

some people are largely exempt from these policies. These discussions help us better understand how BPAs were influenced and learned to recognize “aliens.”

5.2. Readjusting Border Policing for the Snowbirds

Inside the US, within 100 miles of the northern border, BPAs appeared in unlikely places and search(ed) trains, buses, subways, highways, places of worships, cars, grocery stores, homes, and workplaces (Border Patrol Free; Jensen 2009). Despite the fact that the BPAs are involved in the everyday public and private life of the people along the northern border—Rochester and Syracuse, NY, for example—BPAs’ bordering practices have not attracted much attention in mass media, or thus far in academia up until recently. In the south, these contemporary border-policing practices come under scrutiny and have already faced resistance. In June of 2004, border patrol agents roamed the streets of Ontario, Corona, and Escondido, which is 120 miles from the Mexico border to search for “illegal aliens.” They picked up approximately 300 immigrants “outside homes, in parking lots and swap meets and near Latino supermarkets. All of the detainees were Mexican or Central American” (Vittuci 2004, CRS 2008). This event was questioned and then the legality of these searches was confirmed. As a result, the community gave an immediate reaction and resisted the practices: “[m]ore than 1,500 people marched from Ontario to Pomona in protest” and Spanish-language radio stations informed immigrants of the location of Border Patrol agents (Vittuci 2004). In contrast, in the north, these practices have gained public attention rather slowly.

As a resident, student and active community member in Syracuse, NY between 2003 and 2010, my initial observations suggested that these BPA practices had gone strangely unnoticed and unremarked by media and academia up until 2008,

notwithstanding the increased presence of border agents in unconventional places since 2001. These unremarked bordering practices can be explained partially by the historically positive perception of the Northern border. Despite the fact that substantial numbers of people from both sides have crossed the border and sought temporary or permanent employment and residence in both countries since the 19th century (Stuart 2007), when compared to the US-Mexico border, the mingling of US Americans and Canadians (illegal or legal) has attracted little or no attention. Recent histories also attest to this positive relationship on the Northern border. For example, during the Clinton Administration in the 1990s, the number of Border Patrol agents on the border of US-Mexico doubled to one agent every quarter mile by 1999, whereas the Canadian border had only one agent for every 13.25 miles (Eldridge et al. 2004).

Canadians can cross the border and stay up to six month in the US without a visa,⁷⁵ thus, today many Canadians own property in the US and particularly in the State of Florida. However, after 2001, when the US government was again trying desperately to “secure the nation’s borders” through a variety of security and surveillance strategies on both sides of the border, this positive relationship was put to the test. The misconception at work was that the 9/11 perpetrators had entered the US from Canada (Struck 2005).⁷⁶ Thus, one of these initiatives granted CBP inspectors and border patrol agents the power to determine how long Canadians could remain in the US (Stuart 2007). The government of Canada and the Canadians who owned property in the US, especially

⁷⁵ <http://canada.usembassy.gov/visas/information-for-canadians.html>, accessed on April 10, 2012.

⁷⁶ According to “9/11 and Terrorist Travel: Staff Report of the National Commission on Terrorist Attacks Upon the United States” all of the perpetrators had a valid US visa obtained from US consulates and entered into US (33 times, and 1 unsuccessful attempt) via various airports on the East Coast.

in Florida⁷⁷ were not happy and both parties petitioned the US government to exempt Canadians. Homeland Secretary Tom Ridge personally guaranteed the Canadian Prime Minister that “Canadians would be exempt from proposed thirty day visa limit” (Stuart 2007: 93). Similar exemptions were also proposed when the state of Florida tried to pass a highly controversial immigration bill that would have required all non-citizens to carry papers—inspired by Arizona SB-1070 (See Coskan-Johnson 2011), while providing provisions for those who are Canadians and Western Europeans. The architect of the bill, Rep. William Snyder, argued that this bill would not lead to racial profiling. All this bill does is to address the large population of Canadians who own property in Florida, and in Snyder’s words, “what we’re doing there is trying to be sensitive to Canadians” (Foley 2010). However, the same sensitivity was not applied or even suggested for large populations of Latinos and non-Canadian and non-Western Europeans in Florida. Despite the fact that the US publicly celebrates racial diversity and official US discourse rejects the idea of “America” as a white nation, the US government again attempted to “secure the nation’s borders” by trying to answer to the needs of “whiteness”—while at the same time acknowledging the economic benefits obtained from immigrants.

Why do these events relate to the northern border, border patrol and the BPAs routine ID checks in unlikely places? Obviously, the first reason is that Canadians live beside and share a border with the US. Thus, BPAs bordering practices also reflect the above trends. Second and more important, these government policies, laws, and the media coverage of these events enter into people’s everyday lives. Thus, social relations are structured in particular ways that work to portray and accept who can be a citizen and

⁷⁷ They are called “Canadian Snowbirds.” For more information please see, <http://www.snowbirds.org/index.php>.

non-citizen. These decisions are made daily by the BPAs routine checks. The next section then will focus on where BPAs search for these “aliens” and how they practice border policing.

5.3. Protecting the border and the nation?

The lack of attention to the Northern border described above continues despite, for example, the increasing number of border patrol agents and their presence in unlikely places in the State of NY. In spite of the implementation of increased security and surveillance measures and the disruption of daily life in unlikely places by BPAs, in comparison to the southern border, the northern border remains invisible. The main goal in this section then is to make these contemporary BPA practices on the northern border more visible. As mentioned in the literature review above, the traditional—linear—surveillance strategies such as port of entry points, walls and other permanent security and surveillance locations are now complimented with fluid surveillance strategies. Unlike the BPAs at physical border checkpoints, these contemporary bordering practices use a dynamic geography of surveillance strategies, thus allowing border agents to roam over the US territory in quest for the aliens. The security apparatuses (*dispositifs*) facilitate the surveillance of “illegal aliens” and the illusion of “secure” national space.

Extending Marx’s analysis of the “house of terror” and Foucault’s analysis of the panopticon to contemporary bordering practices, one can observe that the threat of BPA surveillance in a bounded national space appears continuous even in the absence of the BPAs. As if one is watched continuously and must be on the look out for BPAs at all times. BPAs choose particular locations such bus and train terminals to practice physical surveillance by taking control of these spaces. They exert power and determine who is a

citizen and “alien.” Like Rep. Snyder above, BPAs have repeatedly stated that they do not use racial stereotyping when they confront people inside US territory. However, evidence based on my participant observations, various national and local newspapers, and other government and non-government sources suggests otherwise. Below I provide details of what BPAs are on the look out for during routine checks. How do they define, and where and when do BPAs look for potential “aliens”?

Although I traveled between Syracuse, NY and St. Catharines, ON for a semester by car, I did not experience BPAs. Since my aim was to be able to observe and participate in BPAs border policing, I refocused my attention to public transportation, such as Amtrak trains. I traveled with the Empire Service and Lake Shore Limited—neither train crosses any international borders. The Amtrak Empire Service runs between Niagara Falls and New York and the Lake Shore Limited runs between Chicago and New York (amtrak.com).⁷⁸ BPAs board these trains at various train stations along the way and confront people about their citizenship. I was not able to observe or participate in the BPAs border policing practices. However, I did encounter another component of the US security measure in Syracuse, NY on Tuesday, January 24th, 2012. The Transportation Security Administration (TSA) agents set up a random screening checkpoint for Amtrak passengers. They were inspecting passenger’s bags next to the waiting area at the station. According to my observations, there were approximately five to seven, low-level, blue-shirt TSA agents in various parts of the station. There were two TSA agents dressed in black (possibly supervisors) and several police officers with jackets that were visibly marked “Amtrak.” Some Amtrak workers at the station explained that these random

⁷⁸ The Maple Leaf service runs between Toronto and New York, thus crosses international borders (Ibid).

checks were part of a TSA's "pilot program" with the possibility that it might become permanent in the future. Other individuals who worked at Dunkin' Donuts or Subway did not have any idea what TSA agents were doing at the station. I was informed by one of the Amtrak workers that I got "lucky" because TSA has not been around for a long time.

Again, I was unlucky in my attempts to encounter and observe BPAs in trains, train stations, bus stations or on highways. Perhaps one of the reasons for this could be that in October, 2011, Border Patrol headquarters in Washington, D.C. decided that for all Border Sectors in the US, "checks of transportation hubs and systems located away from the southwest border of the United States will only be conducted if there is intelligence indicating a threat" (NBPC, Johnson 2011, Kephart 2011). Despite this memo, which partially eliminates transportation raids along the *whiter and friendlier* US-Canada border, I continued to travel until the beginning of March 2012. During my spontaneous conversations with Amtrak workers on trains and in newspaper accounts of other people in various train and bus stations, I was provided with contradictory accounts.

Despite the message from headquarters that aims to constrain border policing, during my travel after the message from headquarters, some Amtrak workers repeatedly asserted, "they [BPAs] are everywhere, but if you want to see them [I should] try Cleveland station, you will see all sorts of security there, government and private." However, there are other accounts that suggest these practices have in fact stopped. The bus terminal at Rochester, NY, as Rochester BPAs actively practiced these policies and detained large number of "illegals," was one of them. The Trailways and Greyhound station manager at Rochester, NY explained that he had not seen them since September 11, 2011, and one of the passengers, Michael Thompson, stated that "I felt like they

[BPAs] were doing their job in terms of keeping terrorists from coming in, [sic] foreigners. They were checking driver's licenses. Which felt good to me. I missed them [the 24/7 presence of border patrol] that they are not here [at the Rochester station]" (Levato 2011). Thompson's statement captures the discursive practices that have been created and repeated for the general public by the apparatuses mentioned above. Here, I am not suggesting that these practices are entirely new. On the contrary, as I argued in the previous chapter, similar exclusionary practices that focus on policing marginalized people in the US have been going on for centuries. In recent history for example, the border patrol has been actively policing trains and busses since the 1990s (Nevins 2010). What I am suggesting is that after 2001, in the name of defending the homeland and securing the nation's borders, the US State Repressive and Ideological apparatuses went to work, making some people "aliens" again. With the assistance of various laws, acts and policies (and with the mass media) a) the policing of minority groups in the US has been further normalized, b) as a result, these communities have become more and more vulnerable as border policing practices' main focus was on these groups and c) these practices have reified the link between immigrant and "illegal, terrorist and drugs." As I mentioned before, the actual mission statement of the BPA summarizes passenger Thompson's contention that after 2001, the BPA's main concern was detecting, apprehending and/or deterring of terrorists and terrorist weapons, along with its "unchanged" role to "detect and prevent the illegal entry of aliens" into the US (CBP). The following are some examples of the detection and prevention of illegal immigrants, terrorists and terrorist weapons by the armed US Border Patrol Agents 100 miles inside the US territory and along the Northern border. These examples are important because

they call into question the validity of in whose interests is the “border and the nation” secured.

In the summer of 2010, a student from Potsdam University in New York State was questioned by the BPAs and asked to provide papers while she was conducting turtle research with her professor in a local swamp. Since the student did not have her papers with her she was detained until her professor convinced the BPAs to call and confirm her student status with the university (Woodard 2011). Another “lucky” example emerged when I started my research on invasive borders and BPAs border policing. One of my friends at Potsdam University learned about my research topic, and s/he shared one of his/her colleague’s firsthand experiences with border patrol agents. Nancy’s⁷⁹ colleague was from East Asia. While they were a couple hours away from home, they were stopped on the highway and her colleague was questioned about his/her status in the US. Like the student in the swamp, Nancy’s colleague did not have her papers with him/her. The BPAs followed their car back to their home so that he/she could provide evidence that she was not an illegal alien.

Not everyone has the opportunity to provide papers. A twenty-year-old Chinese music student from Potsdam, NY was detained for four hours during BPAs routine bus search and was then released. Bethany Parker-Goeke, International Education and Programs Coordinator at the State University of New York, Potsdam, provided detailed information on National Public Radio. She stated that the student had applied to change his/her status and as a result did not have his/her papers at the time (npr.org). Despite the fact that Parker-Goeke possessed the student’s original, valid papers on her desk, a

⁷⁹ A pseudonym.

couple of days later BPAs came back and the student was handcuffed and taken to detention for approximately a month—at that time his status was still undetermined. During detention, he was put into two different county jails and the immigration detention center in Buffalo.⁸⁰ The student lost the beginning of the semester and later dropped out. Parker-Geoke told NPR that after this incident “his parents would not let him to go back to the US.”

Border patrol agents are people and, like everyone else, they are capable of making mistakes. It is correct to note that these invasive bordering practices affect the image of Border Patrol Agents negatively. Thus, one would assume that the USBP would not miss the opportunity to publicly admit and perhaps offer an official explanation for this “misunderstanding.”⁸¹ However, the border patrol did not give an interview for this story, as NPR reports. In fact, an e-mail from the border patrol spokesperson concludes, “agents use the checks to prevent smugglers from using public transportation to access the interior of the country” (Ibid). The spokesperson’s e-mail appears to be an attempt to defend, justify and protect BPAs’ invasive border policing instead of acknowledging the injustice and the harm inflicted by BPAs on a twenty-year old Chinese student.

Similar to the case above, around 2007, a Pakistani student from University of Rochester was detained by BPAs, again on a domestic bus while traveling with his Student ID. In his declaration to the Immigration Courts in NY for an unnamed deportation case, Carry Jensen suggests that before this Pakistani student incident,

⁸⁰ He earned a nickname of “Smartboy” during his detention.

⁸¹ One could also argue that it would have been a smart foreign policy.

student IDs had been sufficient for domestic travel (2009: 2).⁸² In fact, Jensen writes that neither he nor his staff nor colleagues in other close by institutions had heard anything about these routine ID checks previously in Rochester, NY—including staff members who have worked there for over twenty-five years. While the student attempted to explain to BPAs that his family had a pending asylum application which provided him a legal status *to be in* and attend school full time in the US, the BPA responded “Tell it to the Judge” (Jensen 2009:2). After two weeks in detention, his family was *given* the chance to “tell it to the judge” and prove his legality and right to be in the US. These examples suggest that not only are there problems of communication between different government apparatuses and various legal frames, but also problems with the use of power by BPAs. But, more importantly one can also see how the propensity for laws, policies and border policing practices can *infiltrate* into daily life and slowly normalize relations in particular ways. The border patrol agents’ practices give the impression that one has to watch over one’s shoulder at all times, because BPAs have no exact geographic location. They roam inside a 100-mile band along the international border. Thus, for those who are privileged to be recognized as “citizens,” like passenger Thompson above, or those who are given “sensitivity” like Canadians, BPAs are doing “good” and “securing” the nation. However, the same cannot be said for those marginalized groups who are recognized as “aliens,” those who are alien to *whiteness* (see previous chapter) regardless of their status inside the US. Many concerned individuals and civil rights organizations (e.g., the American

⁸² A similar example occurred in Syracuse, NY, at the Amtrak/Greyhound station in 2007. Syracuse University English Professor Silvio Torres-Saillant’s account appeared on a report about Rochester BPAs transportation raids. She was harassed and singled out by BPAs because of her Latino background. Torres-Saillant also points out that “since I was traveling on ground transportation within the same state, I did not see the need to carry documents that established my legal status in this country” (Añon et al., 2011).

Civil Liberties Union and Freedom for Families), argue that the Border Patrol employs racial profiling in its routine searches. However, from the beginning, BP has argued otherwise. Then, one has to ask: what are BPAs looking for?

According to the video “Caught in Transit” from 2008, Rochester BPAs detained more than 1200 people in 2007 on the northern border. They achieved these numbers through transportation raids. In the video, Adrian Cotsworth, the border patrol agent in charge of the Rochester Station, states, “the priority of the border patrol is the operational control of the borders. The main objective of that [sic] is *preventing the entry of terrorist and terrorist weapons into the US in/between ports of entry*” (Ibid, emphasis added).

Below is the conversation between a border patrol agent and a passenger.

BPA: *Hi you doin sir, I am with the United States Border Patrol, can you please state your citizenship?*

Passenger: *What do I look like?*

BPA: *Well, you know what, what does an American [sic] look like?*

Passenger: *That’s a shame. Do I look like I am from Zimbabwe?*

BPA: *We are a true melting pot sir. We come in all shapes and colours. This is not about ethnicity or race. It is about nationality.*

Passenger replies: *I am from Los Angeles.*

BPA: *Thank you sir, that makes you United States Citizen.*⁸³

The passenger becomes a US citizen and is free to continue on his journey. The USBP and the CBP seem to suggest that these practices do not violate civil rights since people are not forced to answer border patrol agents’ questions. Furthermore, they claim that these invasive bordering practices do not violate the 4th amendment of the US

⁸³ I transcribed this video interview. The conversation is in italics. The last access was on April 25, 2012, <http://www.andrewburtonphoto.com/portfolios/video-caught-in-transit/>.

Constitution, which prohibits unreasonable search without probable cause, because these routine ID checks are essential for “securing the nation’s borders.”

It is difficult, if not impossible, to make a plausible argument that detaining a twenty-year-old Chinese student for a month in two county jails and one immigration detention center, detaining a Pakistani student with a student ID during domestic travel, stopping people on the highways and following them two hours back to their home to see their papers, harassing a student and professor while conducting turtle research in a swamp somewhere in Potsdam can be justified as a matter of “securing the nation’s borders” or preventing the entry of terrorists and terrorist weapons. In other words, it is difficult to suggest that these practices secure borders. However, these bordering practices are capable of securing the existence of BP, BPAs’ jobs, and the interests of whiteness.

In addition to failing to provide supporting documentation for how and for whom the border is secured (for example see Civil Action No. 10 CV 2705 (SAS)), Border Patrol have consistently claimed they do not racially profile during these searches.⁸⁴ Agents are trained to recognize two different categories as if these categories exist independently of each other. Although citizen and non-citizen exist in a continuum, for BPAs, as an extension of the US State, these categories form two discrete (distinct and separate) points. For example, in an interview, BP agent Cotsworth (Martinez 2008) asserts “[w]e question people with blond hair and blue eyes as much as anyone else” (Ibid). Agent Cotsworth explains how these daily routines help BPAs recognize and

⁸⁴ The USBP follows the “Guidance Regarding the Use of Race by Federal Law Enforcement agencies.” The “guidance” provides details of how agents can or cannot use race and ethnicity. The BPAs, simply by following these guidelines, are free from racial profiling.

identify aliens. He explains, “it is not what they’re [aliens, terrorists] saying, it’s what they’re not saying. It’s sweat, it’s shaking, it’s stuttering, it’s bad breath. It’s the things that people can’t control—and you [BPAs] learn to read it just by doing it so much” (Ibid).^{85 86} Conceivably Cotsworth tries to ease the claims against BPAs’ discriminatory practices, but ironically, his statement stands as evidence for the racial profiling claims, instead of challenging or opposing them. For Cotsworth (and perhaps BPAs under him), the “good” law abiding *citizens* are the people who have good hygiene, smell and who have blond hair and blue eyes. Furthermore, he suggests that these predetermined “good” citizens are also subjected to similar treatments “as much as anyone else.” However, one wonders how a month-long detention for a Chinese student who has a visa and has no proven connection to illegal activity is similar to those Canadians in Florida. The evidence above suggests that “aliens” experiences are nothing like those who are (still non-citizen but) recognized as “Americans”.

Social constructions such as gender, race, and class will inevitably influence how BPAs and people react when trained and armed border patrol agents confront citizens and

⁸⁵ If one follows agent Cotsworth’s logic, then, the “bad” guys can easily trick border patrol agents with a piece of gum or a tic-tac and anti-perspirant or deodorant that can get rid of faulty smell and bad breath. Hence security of the borders can be compromised easily.

⁸⁶ If “doing it so much” makes better BPAs, then I must quickly note how one can become BPA and learn the basics. To become a Border Patrol Agent, one has to possess certain qualities such as age and citizenship requirements. In addition, one has to pass a comprehensive background investigation, medical examination, and drug and fitness tests (CBP.gov). According to CBP, a candidate might be denied if in the past s/he was arrested, convicted, dismissed from other jobs, or have debt and financial issues—and may also be subjected to a polygraph test. After a successful pre-screening, candidates attend the CBP Border Patrol Academy in New Mexico for fifty-five days; they take courses in nationality and immigration laws, physical training, firearms instruction, and driving—along with report writing, finger printing, etc (ibid). These are the first steps for learning how to recognize citizen from an “alien.”

non-citizens. A Mexican woman describes her experiences to a New York Times reporter by saying “[y]ou’re sitting on the train asleep, and if you don’t look like a U.S. citizen, it’s ‘Wake up!’” (Bernstein 2010). Critical inquiry into these practices has to recognize the historical circumstances that have created the social and economic exclusionary policies of the US State. Like BPAs, people learn to recognize “aliens.” As a result, not looking like a US citizen not only makes people vulnerable and eliminates their basic rights, but also makes them suspect and names them “illegal alien.” How can a citizen who is suspected as an “alien” because she does not look “American” react when confronted by armed agents inquiring about her citizenship status from within a few inches of her face on a train? Perhaps she can become nervous, and sweaty⁸⁷ because BPAs have already “recognized” her as a suspect or “illegal alien,” even before they have boarded trains, buses, or stopped her/his car on the highway.

In what follows, I examine recently released detention figures to better understand why one might become nervous during these interactions and what the outcome of these interactions can be. Recall agent Cotsworth’s crucial points about how on-the-job training helps BPAs recognize “aliens and terrorists.” One could stretch and apply similar logic to the BPAs as well: it is not what *they [BPAs] are* saying; it’s what *they [BPAs] are not* saying. A recent report, “Justice Derailed” (Añon et al., 2011) gathers data in relation to the Rochester Border in NY. The report analyzes data between 2006 and 2009 and concludes “the arrests included individuals from 130 nations, but 73 percent of arrestees came from Latin America, 11 percent from Asia, and 9 percent from sub-Saharan Africa

⁸⁷ My white and male appearance can certainly be useful when I encounter border agents. But still, it does not give me the confidence to cross borders without feeling nervous at the entry points. I am still a Turkish person with US passport and accent.

and Oceania. Canadians represented only 0.4 percent of those arrested” while the rest of these groups make up 93 percent (Ibid). I am aware of the difficulty and the problems of making assumptions about what particular people look like. However, it is unlikely that 93 percent of the arrestees fit the description of agent Cotshworth’s citizens. Below, a video conversation between a passenger and BPAs provides more concrete evidence and supports the points I make about who is identified as citizen and non-citizen. Passenger 1 turns her camera on and starts recording BPA policing practices inside the train. A BPA politely inquires about passenger 1’s citizenship status.

BPA1: *what is your citizenship?*

Passenger1: *I am not answering that question!*

BPA1: *What!?*

Passenger 1 repeats her answer. The BPA put his hand on his gun, looks around, clears his throat, and replies: *OK*. He moves to the next passenger. Passenger 1 continues to record various conversations between other passengers and the BPAs. At some point, she approaches one of the other BPAs in the train car and asks:

Passenger 1: *Can I ask you a question?*

BPA2 leans over.

Passenger1: *When someone is asked about their immigration status do they have to answer?*

BPA2: *No, you do not have to answer.*

Passenger1: *OK.*

BPA2: *Hmmm, it is..., if we have suspicions enough, we can keep pressing, or there is other suspicions. Beyond all the typical facts, but no, you don’t have to.*

Passenger1: *what’s the suspic...what would be the suspicion for instance?*

BPA2: *Accent.*

Passenger1: *OK.*

BPA2: *Dress, you know, different customs...stuff like that.*

Passenger1: *Okay, got it.*

BPA2: *Suspicious shaking, nervous, ...a lot of things.*

Passenger1: *Right, so if you have that suspicion and you do not answer, what happens?*

BPA2: *Then, I can probably...then I can keep asking.*

Passenger1: *Okay, could you take someone off the train because of it?*

BPA2: *YES.*

Passenger1: *Really?*

BPA2: *hmmhmm.*

Passenger1: *Could you detain them because of it...just on suspicion like clothing, accent?*

BPA2: *Nods his head, reasonable suspicion, yeap.*

Passenger1: *Ok, got it, thank you.*

Then, BPA2 asks: *your name?*

Passenger1: *Ummm. I don't want to answer that question.*

BPA2: *You are suspicious now.*

Passenger1: *Laughs. Am I? Oh no, am I going to be taken off the train.*⁸⁸

How is it possible for cultural diversity to be celebrated and simultaneously used as an exclusionary tool? It is difficult to support an argument that suggests these invasive bordering practices serve “national interests” and provide security for borders. If not borders or the nation, then what is secured? One possible answer would be that the USBP as an institution and BPA jobs are secured at the expense of those who talk, dress and act differently. But more importantly, these practices (secure and) reify the *borderline* between citizen and non-citizen—aliens and terrorists.

⁸⁸ I transcribed this video (some subtitles provided by the user who uploaded the video online). “Border Patrol on Amtrak Part 2”
<http://www.youtube.com/watch?v=A9KS9mbT5u0&feature=related>. The last accessed on April 25, 2012.

The effects of border policing on the northeast section are similar to experiences in the northwest of the US-Canada border, and they are important to consider here, because they raise similar concerns in relation to who is or is not a citizen and if this border policing is in fact securing borders. Below I examine how BPAs exercise similar border policing in Washington State, and I focus on how communities and individuals are affected by these invasive bordering practices. I examine various newspapers and other secondary sources in order to establish some consistency in bordering practices along the full length of the US-Canada border. The Olympic Peninsula is located in Washington State in a “quiet and rural area” and “does not border any foreign country” (Border Patrol Free). Similar to the Rochester, NY station, the number and the presence of border patrol around the Olympic Peninsula increased rapidly from one agent to four, and then to twenty-five agents. As of 2011, the number of BPAs is around 40 (Oppmann 2011).⁸⁹ According to Border Patrol Free’s story,⁹⁰ while actual international border entry points lack both the resources and the manpower to “check for possible illegal goods being transported or to thwart terrorism,” which should be a national security matter; none of these new positions are used to help fix these problems. Instead, community members

⁸⁹ The Olympic Peninsula is important for border patrol’s plea for increasing their numbers and for the rhetoric of national security. In 1999, Ahmed Ressam attempted to cross into the United States from Victoria, Canada with a fake passport. Despite the “mild suspicion,” the US immigration officers failed to see the bomb, even after checking his car’s trunk and his passport came clean on the computer check (Frontline, Ahmed Ressam’s Milenium Plot). There was only one border patrol agent at the station at that point (Keep the Border Patrol On the Border, 2008). Ressam, with his hidden bomb continued onto the ferry towards Olympic Peninsula. When he arrived, he showed unwillingness to answer questions and the agent asked for Ressam’s ID. While agents were searching his car, US Customs agents found the bomb, but they first assumed it was a drug, not a bomb. He was immediately arrested (Frontline, Ahmed Ressam’s Milenium Plot).

⁹⁰ For more see <http://bpfree.org/thestory.html>.

first started experiencing highway checkpoints. Later on, BPAs gradually invaded communities further away from the border by raiding immigrant stores, churches, bars, and entire communities (Border Patrol Free, Oppmann 2011).

Within this quiet rural community, there are many different voices that express their concerns about these practices. These examples range from violations of civil liberties and problems of racial profiling to how these bordering practices have also hurt local farmers and producers who rely heavily on immigrant labour. One of the local farmers expresses frustration by stating: “my payroll went off the charts, it went up 30% right across the board. We cannot function and continue to be a farm in that situation...” Another concerned community member, Pastor of St. Mary Catholic Church, Father Topel began to see his Spanish worshippers gradually disappear since border patrol agents started to park outside the church during Spanish masses. Father Topel asserts, “...none of these people [the peninsula’s Hispanic parishioners] are terrorists. It’s not just the Hispanics who are being affected here. Any one of us who watches another human being [sic] have his rights denied, has his own rights denied.”⁹¹

While traveling on a bus, Eyle, another member of the community, was stopped by border patrol agents. After questioning Asian men and Canadian women, a border patrol agent questioned her. Eyle, a former Peninsula newspaper employee and Native American woman describes her experience: “My family has been here since the dawn of time. The bus was full of people—there must have been 30 of us—and they only questioned three of us. We had *dark hair and dark skin*” (Ibid, emphasis added). The experiences described here bear little resemblance to agent Cotsworth’s blond haired and

⁹¹ <http://bpfree.org/thestory.html>.

blue-eyed accounts. While these personal statements point to serious problems with racial profiling and raise questions about whether these bordering practices are actually done in the interest of the “nation,” one needs to also look at data representing BPA practices on the Olympic Peninsula as well (Añon et al., 2011). Thus, below I incorporate information from a documentary on the border patrol free website, which highlights the public forum that took place in Washington State. This forum aims to show what BPAs have done so far in the Olympic Peninsula, other than invading people’s lives, hurting businesses and restricting civil rights of residents.

On November 3, 2008, the City of Port Townsend, The Leader, the League of Women Voters, the AAUW, the ACLU Jefferson County, and the Port Townsend Peace Movement all sponsored the “Border Patrol Public Forum” in Washington State.⁹² The attendees included border patrol agents, several local law enforcement agents, several civil right activists, members of other civil rights organization and around 400 people from the public. As the documentary begins, a publisher at the Port Townsend Leader, Scott Wilson, asks for the number of detentions related to immigration, drugs and terrorism during the border patrol checkpoints around Jefferson County’s highway. Chief Officer John Bates explains that BPAs apprehended twenty-two people, fifteen undocumented immigrants, seven US citizens (for various reasons), and zero terrorists. The documentary asserts that between February and November 2008, border patrol agents stopped 41, 912 passengers in 24, 524 vehicles at fifty-three roadblocks in Washington State. As a result of these massive operations, eighty-one unauthorized

⁹² The AAUW stands for American Association of University Women and ACLU stands for American Civil Liberties Union. This forum also resulted into a documentary called “Keep the Border Patrol ON THE BORDER.” It is available for the public at bbfree.org. I transcribed some of the above information from this documentary.

immigrants were taken into custody, nineteen people were turned over to other agencies, and zero terrorists were found (Border Patrol Free). Thus, it should come as no surprise when border patrol agent Christian Sanchez puts his job security on the line by publicly stating that at Port Angeles, he and his co-workers are “paid to do nothing” and “there are no gangs or cross border activity” (Oppmann 2011). In a panel discussion, while highlighting the bad economy and cuts in other services, agent Sanchez states, “the taxpayers are paying us all this extra money to do nothing on this Peninsula, where it’s a water-based border” (Ibid). One must ask the question again, in whose interest is the nation or the border secured? The anecdotal evidence cited above, the data from the border patrol free website and the statements from agent Sanchez all suggest the border is secured for the institutional reproduction of the USBP which also means job security for the BPAs. These goals are achieved at the expense of those who are alien to *whiteness*.⁹³

5.5 Conclusion

Based on an examination of these data and other accounts, these bordering practices do not make borders or the nation secure, and they do not serve national interests. The Government Accountability Office’s recent report which assesses the border patrol, suggests that since 2001 not much has changed on the northern border. In fact the report confirms, “only 32 miles of the nearly 4,000-mile U.S.-Canadian border have ‘an acceptable level of security’ ... The vast majority of *northern border territory* is

⁹³ Other BPA highway checkpoints have resulted in fatalities in other parts of the US. In fact, in 2004 near Elizabethtown, NY, during a US Border Patrol checkpoint on Interstate 87, two separate accidents occurred when Canadian busses failed to see border patrol checkpoints. The result was significant enough to make it one of the “ten deadliest accidents in the Adirondack Mountain Region” which killed four people and injured more than sixty people—four were critically injured. “10 deadliest accidents in the Adirondack Mountain Region 2006.” Last accessed on April 27, 2012. <http://www.adirondackalmanack.com/2006/08/10-deadliest-accidents-in-adirondack.html>

‘vulnerable to exploitation’” (Zremski 2011, emphasis added). I argue that even though BPA’s official *raison d’être* is to protect the “national interest” and “secure borders,” its actual practices show otherwise. Specifically, my empirical analysis suggests that BPA practices serve two main purposes, which are not mutually exclusive: a) these practices are about both the reproduction of “whiteness” and its economic interests, and b) these practices are about the jobs and institutional reproduction of the US Border Patrol. On the one hand, for economic and transnational elites and global citizens (see chapter 3), along with goods and services, crossing borders and traveling within the US territory is almost hassle-free. For example, one can obtain pre-clearance, if one can produce \$400 dollars, proof of immigration status, a driver’s license, insurance and vehicle registration at the US-Mexico border (Pallitto and Heyman 2008). Then, once his/her application is approved, “a driver can use a radio frequency identification (RFID) card to pass through border checkpoints without stopping for inspection” (Pallitto and Heyman 2008: 322). These programs are in effect on both sides of the border. The Pre-enrolled Access Lane program (PAL) is used on the US-Mexico border and NEXUS is at the US-Canada border (Ibid).

These bordering practices, on the other hand, create insecurity for people who cannot produce \$400 dollars, or other forms of identification, for people who are perceived as “reasonably suspicious,” because of their accent, dress, and customs, and for people who are constructed as if they are on the wrong side of the thin *borderline* between so-called “citizen” (i.e. Rep. Sensenbrenner and Dobbs) and non-citizen (i.e. alien and terrorists). Despite the fact that immigrant labour is absolutely crucial for the national interest and the economy, the US State does not make provisions to protect the

interests of these vulnerable groups. The discourses of security create false images of urgency where “safety and perhaps even the survival of the society” depends on policing of borders and nation (Pallitto and Heyman 2008: 317). The outcome of these discursive practices then translates into a search for those who are alien to *whiteness*. These invasive bordering practices create insecurity and thus normalize the subjugation of minorities.⁹⁴ Simultaneously, these practices reflect the idea of a clash of “civilizations,” (Huntington 1993); whereas, the clash is in fact within the “civilization;” within the US State, within the BPAs. These bordering practices provide security for the continuation and expansion of the border patrol agency and the number of border patrol agents.⁹⁵ However, job security for the border patrol should not become life insecurity and elimination of basic human rights for others.

⁹⁴ Simultaneously, these practices reflect the idea of a clash of “civilizations,” (Huntington 1993); whereas, the clash is in fact within the “civilization;” within the US State, within the BPAs.

⁹⁵ Surely, this is the reason why the National Border Patrol Council is enraged with Washington’s decision to end these practices on the northern border.

Chapter 6 – Conclusion: Future Research, Critical Pedagogy and Redefinition of BPAs:

In the concluding part of my thesis, I want to succinctly address four issues. First, I discuss possible answers to my thesis questions. Second, I move into future research and what remains to be done. In other words, I make suggestions for future research and I explain why future research needs to examine inconspicuous US immigration policy and bordering policing practices. When the Occupy Movement first began, my colleagues and I were reading and struggling to write our research, which, perhaps naïvely, forced us to think about this: wouldn't it be better if we were out there "doing something"? Thus, for the third issue, I elucidate how my thesis and other similar texts can be used for critical pedagogy. And finally, I propose a solution that will focus on the importance of overcoming contemporary bordering practices by creatively rethinking how to put existing state apparatuses to better use.

6.1 Future Research

In this research, I have examined the inconspicuous geographies of the border, US immigration policy, and border patrol practices. As I have pointed out, after 2001 legal provisions in the US extended the idea of the border into US territory. Once again, the US border and bordering practices have become mobile, but this time on the whiter and friendlier northern border. Along the US-Canadian border, BPAs confront people in different places and spaces to inquire about those who look like "aliens." The questions that this thesis asked include: How do border agents exercise power(s) and control the movement of people within 100 miles of the border? What kinds of spaces have agents targeted? Most importantly, if we remember the discussion of chapter four, for whom and

in whose interest is the border, the “nation,” being secured? BPA practices shape (and are shaped by) both the “public” and national space (Soja 1980). Thus the spaces where this border policing takes place become sites where “good” and “bad,” “citizen” and “alien” are produced, reproduced and contested. *Immigrants are not “aliens.”* Yet, economic interests and immigration policies *work to construct* some people as such.

Yet no one study can answer all questions related to US immigration policy and/or border patrol practices. It is my hope that similar research topics in the future will benefit from my political and geographical examination of the border policing practices along the northern border. Future research must closely examine the political economy of the US-Canada border in relation to these bordering practices. I believe that the neo-liberalization of US immigration policy and the construction and the usage of detention facilities around the US must be more carefully scrutinized. Finally, there is also a need to examine border patrol practices in relation to other government apparatuses and policies that employ similar strategies both inside and outside the US.

For example, the US government is currently debating legislation that appears to provide significant power and authority for the DHS and other apparatuses under DHS. The “National Security and Federal Lands Protection Act” or HR 1505, was introduced in 2011. This act also works to achieve and serve similar interests to the aforementioned. Section two, paragraph (b) of HR 1505 states,

“Authorized Activities- The Secretary of Homeland Security shall have immediate access to *any public land* managed by the Federal Government (including land managed by the Secretary of the Interior or the Secretary of Agriculture) for purposes of conducting activities that assist in *securing the*

border (including access to maintain and construct roads, construct a fence, use vehicles to patrol, and set up monitoring equipment). (The Library of Congress, emphasis added)

The following sections of the bill employ 100 miles of the national border as the borderline where the DHS will operate. A more disturbing part of HR 1505 is the description of the laws that will be waived so that DHS, which includes many other government agencies including BPAs, can search and exercise its powers without being apprehensive about any other act or law that existed previously. Below is the list of acts and laws that will be waived for DHS if HR 1505 passes:

The laws referred to in paragraph (1) are the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), Public Law 86-523 (16 U.S.C. 469 et seq.), the Act of June 8, 1906 (commonly known as the 'Antiquities Act of 1906') (16 U.S.C. 431 et seq.), the Act of August 21, 1935 (16 U.S.C. 461 et seq.), the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Farmland Protection Policy Act (7 U.S.C. 4201 et seq.), the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the Wilderness Act (16 U.S.C. 1131 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), subchapter II of chapter 5, and chapter 7, of title 5,

United States Code (commonly known as the 'Administrative Procedure Act'), the Otay Mountain Wilderness Act of 1999 (Public Law 106-145, 113 Stat. 1711), sections 102(29) and 103 of California Desert Protection Act of 1994 (16 U.S.C. 410aaa et seq.), the National Park Service Organic Act (16 U.S.C. 1 et seq.), Public Law 91-383 (16 U.S.C. 1a-1 et seq.), sections 401(7), 403, and 404 of the National Parks and Recreation Act of 1978 (Public Law 95-625, 92 Stat. 3467), the Arizona Desert Wilderness Act of 1990 (16 U.S.C. 1132 note; Public Law 101-628), section 10 of the Act of March 3, 1899 (33 U.S.C. 403), the Act of June 8, 1940 (16 U.S.C. 668 et seq.), (25 U.S.C. 3001 et seq.), Public Law 95-341 (42 U.S.C. 1996), Public Law 103-141 (42 U.S.C. 2000bb et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.). (Ibid)

Some might argue that this act will never pass. However, the point I am trying to make is not concerned with whether this bill can pass or not. My point is that HR 1505, like other policies and acts listed above, works to redefine and normalize social relations in a manner that serves particular interests. It serves the interest of whiteness and capital while severely damaging basic rights and the interests of people who have been and are excluded in social, political and economic life. This act will provide significant power and authority to the border patrol (and perhaps to others under the DHS) to roam national space freely in search of and at the expense of those who are made "aliens"—those who talk, dress and look differently. Homeland Security Secretary, Janet Napolitano, recently stated that the US Federal government has started using drones, unmanned aerial aircrafts, for the surveillance of the northern border (Valdes 2012). The DHS is attempting to build the "nation's largest fleet of domestic surveillance drones" that cost about \$250 million (Bennet 2012, Constantini 2012). According to Bennet's article (2012), these drones are difficult to maintain and too costly to operate (\$3000 for an

hour). In addition, they cannot fly in inclement weather (thus they only flew half of the intended number of flight hours around the borders)⁹⁶ and according to NBPA, they are not as effective as other traditional (cheaper) surveillance equipment.⁹⁷ The US government insists drones that cost \$250 million and are unable to fly serve “our interests.” These contemporary surveillance bordering practices work to control and give the appearance of constant surveillance of individuals in unlikely places and spaces, thus future research needs to focus on analyzing the socio-spatial and economic consequences of these and other legislations in the United States.

6.2 Organized Resistance and Redefining the Border Patrol

These border policing practices give the impression that borders are secured in “our interests” and therefore they create the illusion of a “secure nation.” One of the important difficulties here is understanding what constitutes “our,” and what “our interests” are, because being inside the category of “our” provides *the right to be* present inside the US. The US State apparatuses solve this difficulty by making “aliens” and exercising various forms of power to search, detain and remove them from the US national space. In other words, current border policing practices transform the idea of the “imagined community” into material form. And the BPAs “hunt down” those who are not part of “our” nation and thus “protect our interests.” Such practices, however, are done at the expense of minorities and other vulnerable groups, as well as at the expense of democratic values, freedoms and rights enshrined in the US constitution. The interests of

⁹⁶ If these drones are crucial for security, then a hypothetical situation of bad weather along the borders puts national security at high risk.

⁹⁷ Here, one can observe the problematic relationship between national security (the military industrial complex) and the labour interest of the BPA. The military industrial complex seems to be working against the labour interest of the BPA.

these vulnerable groups are not reflected in the immigration policy and border policing, and therefore the very existence of some immigrants and their basic right *to be in the US* state is undermined.

Undocumented immigrants have been systematically made and recognized as “illegal” in the United States for some time now. As I argued above, from the beginning the US government has worked to secure its territory and borders against “aliens.” The concept of the alien is directly linked to other categories such as “race” and class (and gender). As I argued, the concept of alien changes with time and space so that Native American and/or African slave can be aliens. The “white” immigrants in 1790 were aliens that could be naturalized into citizens and by 1798 they were the possible enemies of the state. Alien can be a “white” Irish woman in Boston, MA in the 1980s. Latinos/as can be “aliens,” and braceros and wetbacks. Organized African American men and women in the 1960s were aliens. The common denominator among these different groups of people is that aliens were “alien” to *whiteness*. Whiteness is not only about skin colour, because as I argued on several instances, it is colour blind. Whiteness captures historical, social, political, economic and thus material relations, which are made in relation to the “nation,” “race,” gender and class. Thus, *aliens* transmit and present meanings that shape social relations so that when individuals or groups are identified as “aliens,” they become alien to the prevailing ideologies and discourses. In other words, some people are made into aliens and alienated not only from each other, but also from the historical, social, political, economic and the material benefits that are available to others.

For example, a person with a different accent, clothing, or customs is recognized as an “illegal alien” when the US government, media and other apparatuses link criminal activity with border security and immigration. As a result of this connection, the BPAs can search for migrants who are “illegal” within 100 miles of the northern US border. As I have suggested, Rep. Sensenbrenner’s HR 4437 might have failed to become a law that made undocumented immigrants and those who helped them criminals, and thus, it arguably failed to secure the “nation” and serve “national interests.” However, one of the achievements of this failed bill has been that it exacerbated contemporary discourses of anti-immigration (and conservative rhetoric) in the United States. The bill worked to construct “aliens” as well as fear of “aliens.” But more significantly, it helped to justify and normalize future anti-immigrant legislation and border policing practices. A particular ideology was reflected onto the US legislation and created and normalized discourses of anti-immigration. The State of Arizona’s SB 1070, Florida’s Canadian sensitive bill, and Alabama’s HB 56 are some of the other anti-immigrant legislations that followed HR 4437. However, the process of making aliens and securing borders is never one-way. Making aliens and securing borders in the name of national (or in “our”) interests are always contested practices.

In other words, there is always resistance. Mitchell (2003) demonstrates that the process of securing the city in the United States has been a deceptive one. Mitchell suggests that the answer to the question, “in whose interest is the city being secured,” should be “in *our* interest” (2003: 230). One cannot lose sight of Mitchell’s question because urban policies and cities are designed in a way that serves the interest of capital and thus not everyone has access to these spaces. Similarly, if one can expand the scale

from city to “nation,” then one can also ask in whose interest is the “nation” and its borders being secured? Who determines “our (national) interests”? These are the points of debate and the points of struggle. If the process of creating “our interests” is the point of the struggle, then “our interests” have to be redefined and must be contested. And these anti-immigration discourses have been contested both on the ground and in academia. How can academic texts like this thesis help resist bordering practices (and one might also ask who can afford and will have access to this research or other similar research)? One possible answer is the following: this thesis and other similar texts are often shared with students in classrooms and seminars. Sharing such work with students will make these bordering practices accessible and visible, and they could apply these critical points and include them in their decision-making processes—or in some cases, explore these ideas when they are protesting in the streets. In other words, critical pedagogy will inform people about the inconspicuous geographies of borders and bordering policing practices.

In addition to academia, there is resistance on the ground that is slowly but steadily growing. In 2006, immigrants, documented and undocumented, took to the streets and made themselves visible. They protested (by the hundreds of thousands) against HR 4437 (Staeheli and Mitchell 2008), perhaps because this legislation was not *in their interest*. In 2008, a group of concerned individuals protested against transportation companies in front of Penn Station in New York City. They protested transportation companies for a) assisting the border patrol (and others) to conduct these intrusive searches and for b) not informing their passengers in advance about these raids (Lee 2008). Civil rights organizations such as the ACLU, FFF and others (scholars such as

Joseph Nevins and Nancy Morawetz)⁹⁸ continue to make these unjust practices visible. Their work includes individuals and communities who are negatively affected by these (and other) bordering practices. “The Border Patrol Free” network in Olympic Peninsula, WA is also one example of organized resistance. In addition, there are others who also organize and resist the border patrol’s practices. While the nobility of the following type of “resistance” might be questionable, smugglers also become mobile. Like the BPAs, they roam, observe and track border patrol agents’ locations and provide live updates for those who are trying to cross the border (Lacey 2011). In addition to these examples of resistance, and as I persistently argued, government reports continuously suggest that the rising number of border patrol agents and their detention numbers do not secure borders and do not serve “our interests.” Yet, as HR 1505 suggests, the rhetoric of national security and security of the borders is still pushed in the name of “our interests” by the US State. So, what else can be done?

Mitchell (2003: 236) asserts that “expanding the right to the city requires a clear focus on the utopic possibilities, and dangers, of always seeking to reopen, and thus reform, public space in the image of a more just urban order.” By expanding and linking his call for a more just city to a more just “nation” (or at least to anywhere within the 100 mile of the international borders), I propose original and utopic changes for the US Border Patrol.⁹⁹ If the US State and its apparatuses and agents could reshape contemporary discourses surreptitiously by enforcing whiteness and capitalist ideology

⁹⁸ Professor Morawetz and some of her students helped to create the “Justice Derailed” report. Professor Nevins has been writing about injustices along the borders and borderlands for sometime now.

⁹⁹ During my conversation with Mitchell, he suggested that under capitalism, every good idea looks like a utopic idea.

through undemocratic and anti-immigrant legislations, then I would argue that a counter approach must also be applied to resist and reproduce social relations (and also power relations)—of course along with all other forms of organized resistance. I suggest that one way to serve “our” interest can be done by changing the image and the job definition for border patrol agents. The name, border patrol agent, must be changed to “Border Agents for Secure Immigrant Communities” (BASIC). BASIC agents must continue to roam 100 miles of the border but this time with the intention of assisting all authorized and unauthorized immigrants’ immediate and future needs—from providing food and water in the middle of the desert to providing assistance to immigrants against discrimination in the city and in the “nation.” BASIC agents must protect immigrants from other apparatuses, corporations and communities who treat them and their labour unjustly anywhere within the 100 miles of the international border. Based on my geographical analysis in this thesis, there will be enough work to both justify the reproduction of the USBP as an institution and to secure BASIC jobs.

The spatial control of vulnerable groups in unlikely places can be turned into spatial assistance for those vulnerable groups. As a result, not only is the job security of BASIC guaranteed, but also the “right to be” for minority citizens in the US is secured. Perhaps then, one can get a bit closer to a more just “nation.”

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